

must be denied in the accounts of disbursing officers. (Similar notice is therein given respecting officers assigned to the Inland and Coastwise Waterways Service.)

The Comptroller General's action raises a practical question in Government administration which I deem it advisable to present to Congress for disposition by enactment of suitable legislation. The very few officers now on such special assignments are rendering highly valuable public service by reason of the nature of the duties involved and their requisite equipment of knowledge and experience; and the Executive should not be disabled from so utilizing them, for limited periods, in the public weal. As it is neither possible always to foresee the necessities of administration demanding such assignments and the Government organizations affected thereby, nor practicable to obtain legislative action, as occasion therefor arises, in time to be of avail, general legislation in the premises of the character above set forth is urgently recommended.

Respectfully,

CALVIN COOLIDGE.

Mr. CURTIS. Mr. President, I ask that the communication be referred to the proper committee.

The PRESIDENT pro tempore. The Chair is unable to determine the proper committee.

Mr. CURTIS. Then I suggest that it lie on the table until disposition can be made of it to-morrow morning.

The PRESIDENT pro tempore. Unless the Senate otherwise designates, it will be printed and lie on the table.

Mr. SWANSON. Mr. President, to what committee was the communication from the President referred?

The PRESIDENT pro tempore. It was not referred to any committee. It lies on the table. The Chair was unable to determine to what committee the communication should be referred.

Mr. SWANSON. It seems to me the portion of it that refers to the Army should go to the Military Affairs Committee, and the portion of it that refers to the Navy should go to the Naval Affairs Committee.

The PRESIDENT pro tempore. Does the Senator from Virginia move that that be done?

Mr. CURTIS. I suggest that the matter be printed and lie on the table until to-morrow, and in the meantime we will determine what committee it shall go to.

The PRESIDENT pro tempore. That will be the order unless the Senate otherwise directs.

ADJOURNMENT.

Mr. CURTIS. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 41 minutes p. m.) the Senate adjourned until to-morrow, Thursday, March 27, 1924, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, March 26, 1924.

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, we are grateful for the awaking of mind, soul, and body to the new activities of a new day. We bless Thee for the gracious privilege of giving them expression. O Lord, hush all desires that direct downward and give impulse to every aspiration that points upward. Humble us in our pride and may we be not ashamed to do the sweet, simple, gentle ministries which means so much to human happiness. Give us the heart of courage that crowds out fear; strengthen the weak and give pity and mercy to the transgressor. God bless every institution and every person that helps men to love one another. Amen.

The Journal of the proceedings of yesterday was read and approved.

CONTESTED-ELECTION CASE—CLARK v. MOORE.

Mr. NELSON of Wisconsin, from the Committee on Elections No. 2, submitted a privileged report in the contested-election case of Don. H. Clark v. R. Lee Moore, first congressional district of Georgia, which was referred to the House Calendar.

EXTENSION OF REMARKS—ADJUSTED COMPENSATION.

Mr. HOWARD of Nebraska. Mr. Speaker, I ask unanimous consent that all ex-service men in the House be permitted to extend their remarks in the RECORD in respect to the adjusted compensation bill.

Mr. BLANTON. Oh, Mr. BEGG is not here, and I do not think the gentleman ought to ask that when he is not present.

Mr. OLIVER of New York. But the gentleman from Ohio [Mr. BEGG] was here yesterday when some one secured permission.

Mr. SNELL. Mr. Speaker, I object.

EXPRESSIONS OF SYMPATHY ON THE DEATH OF THE LATE WOODROW WILSON.

The SPEAKER. The Chair lays before the House the following communications which he has received in an official capacity: The Clerk read as follows:

PARIS, February 6, 1924.

The Chamber of Deputies, deeply moved by the news of the death of President Wilson, cherishing the grateful memory of that great citizen, under whose Presidency the United States brought to France and her Allies engaged in the most cruel war an invaluable assistance and whose every effort was bent on bringing about final peace through the organization of an international understanding, addresses to the House of Representatives of the United States the homage of its sentiments of profound sorrow.

PRAGUE.

To the CONGRESS OF THE UNITED STATES OF AMERICA,

Washington:

The presidents of the two chambers of the National Assembly of the Republic of Czechoslovakia regret deeply the death of President Wilson, all of whose efforts during the Great War were directed toward the deliverance of oppressed people. The Czechoslovakian people will preserve in grateful memory this grand apostle of liberty and justice.

BRUSSELS, February 7, 1924.

To the PRESIDENT OF THE HOUSE OF REPRESENTATIVES,

Washington:

The House of Representatives of Belgium sympathize deeply with the sorrow which has just come to the great American Republic. We salute with respect the glorious memory of the statesman who strove with indomitable courage for the triumph of right and who gave to Belgium, victim of an abominable attack, the support of his ardent sympathy. The Belgian house has the honor to assure you in this day of grief of the sympathies of close friendship and unalterable gratitude which unite Belgium and the United States.

EMILE BRUNET,

The President of the Chamber of Representatives of Belgium.

SANTIAGO, CHILE, February 6, 1924.

The PRESIDENT OF THE HOUSE OF REPRESENTATIVES,

Washington, D. C.:

I am honored in communicating to you a resolution of the house of the Chamber of Deputies in order to express to the body over which you preside its sincere regret for the death of the illustrious ex-President Woodrow Wilson.

PRESIDENT ERRAZURIZ.

TAX ON MOTOR VEHICLES.

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 655) to provide for a tax on motor-vehicle fuels sold in the District of Columbia, and for other purposes, with Senate amendments thereto, disagree to all of the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Maryland asks unanimous consent to take from the Speaker's table the bill H. R. 655, disagree to all of the Senate amendments thereto, and ask for a conference. Is there objection?

Mr. HOWARD of Nebraska. Mr. Speaker, I object.

Mr. UNDERHILL. Mr. Speaker, will the gentleman withhold his objection for a moment?

Mr. HOWARD of Nebraska. Yes; if I do not lose it.

Mr. UNDERHILL. I would say to the gentleman that this is a very important bill. It concerns the District of Columbia and the State of Maryland, and if the gentleman has no real reason for objecting, I hope that he will withdraw his objection.

Mr. HOWARD of Nebraska. My real reason is the constant objection lodged on the Republican side of the House against granting the ex-service men of this House opportunity to speak their sentiments to the country through the RECORD with reference to the adjusted compensation bill. I know of no other means by which I may resent the assault upon these ex-service men, and I am going to exercise it.

Mr. BLANTON. Mr. Speaker, reserving the right to object, this gas bill is an important matter, and we should have some understanding about it.

Mr. HOWARD of Nebraska. That is an important matter also, and my objection stands.

GERMAN RELIEF.

Mr. GRIFFIN. Mr. Speaker, I have sent an amendment to the desk proposing to increase the appropriation to \$25,000,000. In view of the fate of the amendment of the gentleman from Minnesota [Mr. WEFALD] it would be vain, however, at this late hour to insist on its consideration.

The committee report sets forth the fact that there are 2,500,000 children in Germany now facing starvation. That being true—and I have no reason to doubt it—there must be approximately 5,000,000 parents in the same predicament. How far will \$10,000,000 go toward purchasing food in this country for their relief, particularly at the prices which now prevail? It will amount to about \$1.33 for each person. That will surely not afford more than the most temporary form of relief. In this country it might perhaps feed one adult one day and provide bread and milk for three children.

Ten million dollars may seem to be a big sum to disburse in charity, but when you consider the number among whom it must be apportioned, its magnitude diminishes and our vaunted charity fades into a mere gesture. But it is a good and wholesome gesture, and I am for it, whatever the sum awarded to this most meritorious work of mercy.

One of the most gratifying features of this debate is the proof so abundantly evinced on this floor that the animosities of the war have practically disappeared.

Magnanimity and power go hand in hand. Only the weakling cherishes hate and holds a grudge.

That spirit of chivalry has been manifested here many times and the skeptic would only be smelling for meanness in human nature who would suggest that a single vote which might be recorded against this bill could be ascribed to bitterness or vindictiveness.

I respect the judgment, the learning, and the sincerity of the Members who have regretfully, I know, announced their opposition to this measure on the ground that the Constitution forbids the Congress to make gifts of this nature even for the most worthy purpose. I am a great admirer of the founders of our Constitution, and rather a strict constructionist, but I confess I am not impressed by such arguments; especially when I look back and find so many instances in our history where the statesmen and patriots, whom posterity delights to honor, confronted similar situations without fear or quibbling and unflinchingly resolved their doubts, if they had any, in favor of humanity.

Whether it was an earthquake or holocaust, a flood or famine, our Nation has invariably and promptly come to the rescue of the unfortunate, so that the words "American mercy" have become traditionally embedded as an anchor of hope in the hearts of all the peoples of the world.

We must not fall in this, nor endanger any impairment of the confidence which our past history has done so much to establish and encourage.

Though I speak with the tongues of men and of angels, and have not charity, I am become as sounding brass, or a tinkling cymbal.

Charity never faileth; but whether there be prophecies, they shall fail; whether there be tongues, they shall cease; whether there be knowledge, it shall vanish away. (Corinthians, xii, 1.)

Let the constitutional lawyers take notice:

Whether there be knowledge, it shall pass away.

Gentlemen talk about the interpretation of texts! Is the Constitution of the United States a mere aggregation of words? Has it not a soul? The whole history of our land cries out in protest against such a challenge. Let us, on this occasion, interpret and manifest the soul of America which has ever been known, as I hope it always will be, as "The Good Samaritan among nations."

COMMITTEE ON THE DISTRICT OF COLUMBIA—LEAVE TO SIT DURING THE SESSIONS OF THE HOUSE.

Mr. ZIEHLMAN. Mr. Speaker, I ask unanimous consent, by the direction of the Committee on the District of Columbia, that that committee may sit during the sessions of the House for this day only.

The SPEAKER. The gentleman from Maryland asks unanimous consent that the Committee on the District of Columbia may sit during the sessions of the House to-day. Is there objection?

There was no objection.

WAR DEPARTMENT APPROPRIATION BILL.

Mr. ANTHONY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 7877.

The SPEAKER. The gentleman from Kansas moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the Army appropriation bill.

Mr. WURZBACH. Mr. Speaker, I make the point of order that there is no quorum present. I withdraw the point of order, Mr. Speaker.

The SPEAKER. The question is on the motion of the gentleman from Kansas that the House resolve itself into the Committee of the Whole House on the state of the Union.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 7877, with Mr. TILSON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 7877, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 7877) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1925, and for other purposes.

The CHAIRMAN. The Clerk will read.

Mr. DICKINSON of Iowa. Mr. Speaker, I reserve a point of order on page 9, line 4, commencing with the word "Provided," in line 4, and ending with the word "Army," in line 5.

Mr. BLANTON. Mr. Chairman, I make the point of order that that comes too late, a lot of business having been transacted and numerous Members spoke after that paragraph was read. Even if a point of order could be lodged, it comes too late.

Mr. DICKINSON of Iowa. The point of order was made on yesterday.

Mr. LAGUARDIA. I made the point of order.

Mr. BLANTON. I want to submit the RECORD as to what happened. There was at least a half dozen gentlemen who spoke. I will read what the RECORD shows so there will not be any question about it.

The CHAIRMAN. The Chair will hear the gentleman from Texas.

Mr. LAGUARDIA. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. Does the gentleman from Texas yield for that purpose?

Mr. BLANTON. No; I do not yield. I direct the Chair's attention to page 4988; he will see where the Clerk read, as follows:

Pay of officers: For pay of officers of the line and staff, \$30,338,000; *Provided*, That no part of this sum shall be paid to Maj. Charles C. Cresson, United States Army.

Then follows, immediately, Mr. JOHNSON of Kentucky. "Mr. Chairman, I will state that there is a tentative agreement between myself," and so forth. Then Mr. ANTHONY broke in with remarks; and then again Mr. JOHNSON of Kentucky interpolated remarks; then Mr. ANTHONY did the same; then Mr. WURZBACH interjected remarks; then Mr. JOHNSON of Kentucky again did so; then Mr. ANTHONY again did so; then Mr. REECE made remarks; and then Mr. BLANTON made some; and then Mr. CONNALLY of Texas; and finally, after all this, Mr. LAGUARDIA made his point of order, but after all this talk, and it was then too late for the gentleman from New York to get up and make a point of order. If that point of order does not come too late, I do not know the rules of the House.

The CHAIRMAN. The Chair can settle this controversy very easily. All that the gentleman from Texas says is true, but it is not decisive on this point. The only thing involved in the colloquy referred to by the gentleman was an attempt to settle a matter by debate. The thing that is fatal to the contention of the gentleman from Iowa is that there was an amendment offered and submitted to the committee, which in the opinion of the Chair settles the matter.

Mr. DICKINSON of Iowa. It is my impression that amendment was to an early part of the paragraph.

Mr. BLANTON. We are all interested in orderly procedure. Do I understand the Chair to say this colloquy did not shut out the point of order?

The CHAIRMAN. The colloquy was not directed to the consideration of the amendment, and so far as the colloquy was concerned the Chair would be inclined to rule that it was not a consideration of the matter at all. If the amendment was offered, however, that would seem to settle the matter.

Mr. BLANTON. They are directing the point of order to the paragraph of the bill, not to the amendment. The point of order is against the paragraph read at the bottom of the page.

The CHAIRMAN. The Chair understands that and was attempting to rule with the gentleman from Texas, if he will only permit.

Mr. BLANTON. Oh, well. [Applause.]

The CHAIRMAN. As the Record discloses the situation it is apparent that the point of order against the paragraph in the bill comes too late.

Mr. CONNALLY of Texas. Mr. Chairman, my amendment was pending with the point of order, as I recall it, when the committee rose.

The CHAIRMAN. Does the gentleman wish to be heard on the point of order?

Mr. CONNALLY of Texas. I do.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. CONNALLY of Texas. The point of order was made, if the Chair please, by the gentleman from Kansas [Mr. ANTHONY], and appears on page 4988. The gentleman from Kansas said:

I want to make the point of order on that amendment on the ground that it is new legislation which changes existing legislation.

Mr. BEGG. Mr. Chairman, I desire to reserve the point of order that it is not germane to the paragraph.

Mr. CONNALLY of Texas. Mr. Chairman, I make the point of order that that comes too late, because intervening matter has occurred.

The CHAIRMAN. The Chair overrules the point of order the gentleman now makes because there can be only one point of order considered at once. Other points of order may be made or remain pending, or they may be made later when the first point of order is disposed of.

Mr. CONNALLY of Texas. I would like to have them made if they are going to make them and consider them at one time.

Mr. BEGG. If the gentleman desires me to make the point of order, I make the point of order it is not germane to the paragraph.

The CHAIRMAN. It is the better practice to make all points of order at once, but a Member may not be precluded from exercising his right to make a point of order so long as another point of order is pending.

Mr. CONNALLY of Texas. Well, let them make them.

The CHAIRMAN. The gentleman from Ohio [Mr. BEGG] has made a point of order, which will be pending. The gentleman from Texas [Mr. CONNALLY] is recognized on the point of order. The point of order of the gentleman from Ohio is that it is not germane to the paragraph.

Mr. LAGUARDIA. Mr. Chairman, are we discussing the point of order now on the gentleman's amendment?

Mr. CONNALLY of Texas. We are beginning to have discussion of the form of procedure under the point of order.

The CHAIRMAN. The Chair will hear the gentleman from Texas.

Mr. CONNALLY of Texas. I presume the Chair has consulted the precedents and is to rule?

The CHAIRMAN. The Chairman has his view of it, but he is open to conviction upon proper argument.

Mr. CONNALLY of Texas. I submit to the Chair that my amendment does not change existing law, because it operates only on this present appropriation, and therefore it does not change existing law. The effect of it is to provide that the Army may not use any of the funds appropriated in this section for the purpose of recruiting boys from 18 to 21 years of age without their parents' consent. Now, the statute remains just as it is, and the limitation, as I understand it, is simply a narrowing of the appropriation within the uses to which it can usually be applied.

Now, as to the point that it is not germane, I am at a loss to find in the bill an item entitled "Recruiting." From such an examination as I have made I can not find it. There may be some item devoted to recruiting, but I do not find it. Now, my amendment provides that no money under the head of "Pay of the Army" shall be devoted to the recruiting of men under certain conditions. It necessarily follows that since this item covers the pay of all the men of our Army it also covers the pay of those men who would be assigned to recruiting. If that be true, it occurs to me that my amendment is germane, because it simply provides that the Army shall not devote any pay to officers who may be assigned to recruiting under certain conditions.

Now, this same point, or practically the same point, has been before the House on former occasions. On December 16, 1922, the gentleman from Ohio [Mr. LONGWORTH] being in the chair,

an amendment in slightly different form was presented, and a point of order was leveled against it. What transpired will be found in volume 64, part 1, Sixty-seventh Congress, page 585.

That amendment provided that "No part of the funds herein appropriated shall be available for the pay of any enlisted men or officer who may be assigned to recruiting men or boys under 21 years of age without the written consent of the parent or guardian of such minor or minors. On page 587, Mr. LONGWORTH in the chair, appears this ruling:

The Chair is quite clear that the amendment is a limitation, especially in view of recent rulings by several chairmen. I recall that the first time the question was discussed in my hearing an amendment was offered by the gentleman from Kentucky [Mr. FIELDS] on the Army appropriation bill, depriving certain officers of pay if they did certain acts in social relations with regard to privates and other officers, and the Speaker sustained the amendment. The point of order is overruled.

That amendment—I will be frank to say—was not identical with mine, but an amendment having the same purpose as this amendment, to limit the use of the appropriation.

When the Army appropriation bill was before the House on January 17, 1923, volume 64, part 2, page 1902, of the RECORD, the following amendment was offered:

Provided, That no part of this appropriation shall be expended to pay any officer who in peace time permits a man under 21 years of age to be enlisted without the parents' knowledge and consent.

Points of order were reserved to the amendment by the gentleman from Michigan and the gentleman from Kansas [Mr. ANTHONY]. The gentleman from Kansas [Mr. ANTHONY] addressed the Chair and said:

Mr. Chairman, it is my opinion that the amendment is a limitation—

And later withdrew the point of order.

Last week in this House, on March 20, 1924, when the naval appropriation bill was pending I offered an amendment, as follows:

Amendment offered by Mr. CONNALLY of Texas: At the end of the Byrnes amendment insert the following: "*Provided*, That no part of the funds appropriated by this act shall be utilized for the recruiting or enlistment of boys under 21 years without the written consent of the parents or guardians, if any, of such boys to their enlistment."

A point of order was made that it changed existing law, and so forth.

The gentleman from Illinois [Mr. GRAHAM] was in the chair, and reviewed the decision by the gentleman from Ohio [Mr. LONGWORTH], and, as appears on page 4606 of the RECORD, announced his decision, concluding the same with these words:

The Chair, both on principle and following precedent, overrules the point of order.

The point of order was then made that the amendment was not germane at that particular point in the bill, and the Chair held that it was not germane at that particular point because there was a heading in that bill for recruiting by name and that amendment should have been offered to that paragraph. He held that it ought to have been offered to that paragraph of the bill where recruiting was set out.

I have not found any section in this bill particularly set apart for recruiting activities; but, since the pay of the Army is one item of recruiting activities, my contention is that it is probably more germane there than it would be to any other portion of the bill, and I submit that this, since it is not permanent law, but simply a restriction of the uses to which this appropriation may be put, is a limitation, and that it is germane to this particular section of the bill.

Following the Chair's ruling, last referred to, that the amendment was not germane to the paragraph, on Friday, March 21, 1924, the gentleman from Texas, who is now addressing the Chair, offered the following amendment:

Amendment offered by Mr. CONNALLY of Texas: Page 27, at the end of the paragraph, insert the following: "*Provided*, That no part of the funds appropriated by this act shall be utilized for the pay of any officer or man who may recruit or enlist any boy under the age of 21 years without the written consent of the parent or guardian, if any, of such boy for such enlistment."

The gentleman from Ohio, as appears on page 4641 of the RECORD, made a point of order against the amendment.

The gentleman from Illinois [Mr. GRAHAM], Chairman of the Committee of the Whole, then made the following ruling:

The CHAIRMAN. The Chair takes it there is no doubt about one proposition. The pay of the officers or the men who would do this recruiting work is included within the paragraph which has just been

read. If the Chair is wrong about that, he will be glad to be corrected, but it is the judgment of the Chair that the pay of such officers and men was included in this paragraph. The amendment offered by the gentleman from Texas [Mr. CONNALLY] is almost exactly the same amendment offered in the Army bill, to which the Chair referred yesterday in his decision. That amendment, which was also offered by the gentleman from Texas [Mr. CONNALLY], reads as follows:

"Provided, That no part of the funds herein appropriated shall be available for the pay of any enlisted man or officer who may be assigned to recruiting men or boys under 21 years of age, without the written consent of the parent or guardian of such minor or minors."

The language is almost identical, with just a slight change.

As the Chair called attention yesterday, the Chairman of the Committee of the Whole, the gentleman from Ohio [Mr. LONGWORTH], on that occasion held that that was a proper amendment; that it was a limitation, and overruled the point of order which was made to it.

The CHAIRMAN. The suggestions made by the gentleman from Ohio [Mr. BEGG] are pertinent in an inquiry by the committee as to the merits of this proposition. They do not, however, go to the matter of parliamentary law involved. The Chair is not called upon, nor is the committee now, to decide just how this would be administered. The only question involved is, Is it such an amendment as the House ought to consider? The Chair thinks he should follow the precedent, the only one there is; however, if the Chair were deciding it upon the merits, as to whether it is a limitation or not, the Chair is entirely frank in saying he thinks it is a limitation, and that the former ruling of Chairman LONGWORTH was correct. The Chair, in view of that opinion, feels that the point of order should be overruled.

The amendment was held in order and was adopted.

Mr. BEGG. Mr. Chairman, I think it will not be a difficult task to convince the Chair, and even the gentleman from Texas [Mr. BLANTON], that the amendment is not germane to the paragraph.

Now, what does the paragraph seek to do? It provides the pay for the officers. I submit, Mr. Chairman, that if I were to offer an amendment providing that no part of this appropriation shall be used for the payment of an officer that happens to buy blue Army blankets for use in the Army the gentleman from Texas would immediately hold that that would be out of order because it would not be germane. This provision does not have anything to do with the activities of the men themselves but has to do only with the payment of salaries, and the Congress is obligated to pay the salaries of the men, and the direction of their activities is under the Army officers; and the germaneness of the amendment providing for the withholding of payment, providing you were to buy blue blankets, would be just as germane as for the gentleman to offer an amendment providing that the pay shall be withheld if they enlist a boy under 21 years of age.

Mr. DYER. Will the gentleman yield?

Mr. BEGG. Yes.

Mr. DYER. Did I understand the gentleman to indicate where he thought this amendment should go?

Mr. BEGG. I did not; but I will say that because the gentleman from Texas [Mr. CONNALLY] can not find that place is no reason why it should be held germane to a place where it is not germane. The gentleman from Missouri [Mr. DYER] will surely admit, if I were to offer an amendment withholding this appropriation from an officer who bought blue blankets instead of gray or drab blankets, that such an amendment would be out of order.

The CHAIRMAN. The Chair is ready to rule. The paragraph in the bill last read by the Clerk was on page 9, beginning at line 3:

- Pay of officers: For pay of officers of the line and staff, \$30,338,000.

With a proviso which is not important in this connection.

To this paragraph the gentleman from Texas [Mr. CONNALLY] offers this amendment:

Provided, That no part of the funds appropriated by this act shall be utilized for the recruiting or enlisting of boys under the age of 21 years without the written consent of the parent or guardian, if any, of such boys.

It will be noted that the amendment is made as a proviso to a certain paragraph in the bill, and it has been held through a long line of decisions that a limitation to a paragraph in the bill can not be made to relate to other provisions of the bill. This amendment, by its terms, specifically includes all provisions of the entire bill, and yet it is offered as an amendment to a particular paragraph.

It is claimed that a part of the expenses of recruiting is pay of the officers; it is also just as true that a considerable por-

tion of the expense of recruiting is not under "Pay of officers," but is carried in some other part of the bill.

In view of the precedents, that a limitation when offered as an amendment to a particular paragraph must not relate to the entire bill, the Chair sustains the point of order.

Mr. CONNALLY of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

Mr. WURZBACH. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WURZBACH. On yesterday afternoon two amendments were offered to this section, one by the gentleman from Texas [Mr. CONNALLY] and another by the gentleman from New Jersey [Mr. BROWNE]. The gentleman from New Jersey, as I understand, was recognized by the Chair and sent his amendment to the Clerk's desk. Now, the amendment offered yesterday by the gentleman from Texas [Mr. CONNALLY] having been ruled out on a point of order, is not the gentleman from New Jersey [Mr. BROWNE] entitled to recognition for the purpose of presenting the amendment which was offered by him yesterday afternoon?

The CHAIRMAN. The gentleman from New Jersey will, of course, be recognized in due time, but it does not necessarily follow that he has the right to be recognized next.

The Chair thought this entire matter brought forward by the gentleman from Texas should be cleared up at once, and therefore recognized him for the purpose of offering a modified amendment, if he so desired.

The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CONNALLY of Texas: Page 9, line 14, after the colon, insert: "Provided, That no part of the funds appropriated herein shall be utilized for the pay of any officer who may recruit or enlist any boy under the age of 21 years without the written consent of the parent or guardian, if any, of such boy for such enlistment."

Mr. ANTHONY. Mr. Chairman, I make the point of order that the Clerk has not read that paragraph, and I want to make the further point of order that it is new legislation.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

Mr. CONNALLY of Texas. Mr. Chairman, what is the point of order?

The CHAIRMAN. That the Clerk has not yet read the part of the bill to which the gentleman offers an amendment.

Mr. CONNALLY of Texas. The Clerk surely has read line 4.

The CHAIRMAN. But the gentleman's amendment refers to line 14.

Mr. CONNALLY of Texas. That is merely a clerical error and it should be line 4. I ask unanimous consent to make that change.

Mr. BEGG. Mr. Chairman, I make the point of order that it is not germane.

Mr. CONNALLY of Texas. It should be line 4, the same place to which the other amendment was offered.

The CHAIRMAN. The Clerk read the amendment correctly.

Mr. CONNALLY of Texas. But it is just a clerical error made by the stenographer. Line 4 is where it ought to be.

The CHAIRMAN. Without objection, the amendment will be modified as suggested.

Mr. ANTHONY. Mr. Chairman, I make the point of order that it is new legislation and a change of existing law.

Mr. BEGG. And, Mr. Chairman, I make the point of order that it is not germane.

Mr. LAGUARDIA. Mr. Chairman, I would like to be heard on the point of order.

Mr. CONNALLY of Texas. I do not care to argue the point. I think the ruling which the Chair has just made brings this clearly within the rule.

Mr. LAGUARDIA. Mr. Chairman, I would like to be heard.

The CHAIRMAN. The Chair does not think so, but the Chair will hear the gentleman from New York.

Mr. LAGUARDIA. Mr. Chairman, the Chair has just ruled that the amendment previously offered by the gentleman from Texas [Mr. CONNALLY] was not germane in that it sought to limit the entire appropriation in the bill. The gentleman from Texas has now changed his amendment so as to prevent any of the money appropriated in this paragraph to be used for the salaries of recruiting officers recruiting boys under 21 years of age. If an amendment were offered limiting the appropriation for salaries to Army officers detailed to do missionary work in China surely the Chair would be constrained to hold such an amendment germane.

The money appropriated in this bill for the pay of officers is for the payment of military duties assigned to such officers. Therefore, in the recruiting of the Army officers are assigned to such work, and it is quite proper, under the rulings of this House, to limit appropriations if recruiting is conducted along lines specifically prohibited or limited in the appropriation bill itself.

Mr. BEGG. Will the gentleman yield?

Mr. LAGUARDIA. Certainly.

Mr. BEGG. The only claim that can possibly be made that the amendment is in order is under the Holman rule, as a limitation, is it not?

Mr. LAGUARDIA. Exactly.

Mr. BEGG. This is a matter dealing with the officers, and the amendment of the gentleman from Texas in no wise limits the officers or the pay of the officers. In order to be in order, the subject of the amendment must be germane to the subject of the paragraph to which it is offered.

Mr. LAGUARDIA. Exactly.

Mr. BEGG. For instance, take my illustration of a moment ago about blankets; you would not hold that in order.

Mr. LAGUARDIA. Would you hold in order a limitation if officers were assigned to do missionary work in China?

Mr. BEGG. That is beside the point.

Mr. LAGUARDIA. No; it is not. That is exactly the point here. You are assigning officers to a specific duty, and we limit the appropriation, and we reduce the appropriation if such duty is performed contrary to the limitations provided in the amendment.

Mr. BEGG. With reference to the gentleman's suggestion about the assignment of officers to perform missionary work in China, his amendment, then, is dealing with the subject matter of the paragraph, namely, the officers.

Mr. LAGUARDIA. Exactly.

Mr. BEGG. The subject matter of the amendment of the gentleman from Texas deals with enlisted men and not with officers.

Mr. LAGUARDIA. Oh, no; that is just the point. It deals with the pay of officers and not enlisted men.

The CHAIRMAN. Upon a close examination of the amendment, the Chair thinks it can cut this discussion short by saying that, in the opinion of the Chair, the gentleman from Texas [Mr. CONNALLY] has not cured the defect in his amendment at all, as it now reads, "provided, that no part of the funds appropriated herein."

Mr. CONNALLY of Texas. "In this paragraph" is what I meant. I ask unanimous consent to change the amendment in that respect. That is certainly what was intended.

The CHAIRMAN. Without objection, the modification of the amendment will be made.

There was no objection.

Mr. ANTHONY. Mr. Chairman, I made a point of order on the amendment when it was offered, on the ground that it was new legislation, and I want to call the Chair's attention to the fact that it is not a limitation of the appropriation but it conveys a specific direction to executive officers of the Government and to Army officers as to what they shall do and what they shall not do, and is a change of existing law. I want to call the Chair's attention to the ruling which the present occupant of the chair made last year on almost the identical point, where he called the attention of the House to the fact that it was not a mere limitation on an appropriation but, in effect, was legislation. I also want to call the attention of the Chair to the ruling made by Mr. Hicks, of New York, on the District of Columbia appropriation bill last year, where Mr. Hicks made this observation:

Is the limitation accompanied or coupled with a phrase applying to official functions; and if so, does the phrase give affirmative directions in fact or in effect although not in form?

Is it accompanied by a phrase which might be construed to impose additional duties or permit an official to assume an intent to change existing law?

I submit that the language of the amendment offered by the gentleman from Texas does all that.

Mr. BEGG. Mr. Chairman, I want to make the point of order that the amendment can not be offered at all to the paragraph. There is a difference in all dictionaries between a paragraph and a section, and we have not yet read the whole section.

The CHAIRMAN. The Chair will have to overrule that point of order. An appropriation bill is always read by paragraphs.

Mr. BEGG. That is the point I am making, Mr. Chairman, and this amendment applies to a paragraph, and the gentleman is seeking to make it apply to a section.

Mr. CONNALLY of Texas. No; I am not doing any such thing, and I would like to submit some observations to the Chair in reply to the gentleman from Kansas.

The CHAIRMAN. The Chair will be glad to hear the gentleman on that point.

Mr. CONNALLY of Texas. The gentleman from Kansas [Mr. ANTHONY] must have learned something about parliamentary law since last year or else has changed his mind. When an amendment was offered last year providing "That no part of this appropriation shall be expended to pay any officer who in peace time permits any man under 21 years of age to be enlisted without the parents' knowledge or consent," what did the gentleman from Kansas do?

Mr. ANTHONY. Will the gentleman yield?

Mr. CONNALLY of Texas. No.

Mr. ANTHONY. I call the gentleman's attention to the fact that the decisions I referred to were made since the time to which he refers.

Mr. CONNALLY of Texas. They were matters then within the gentleman's knowledge of parliamentary law, and his knowledge of parliamentary law is not any better now than it was then.

Mr. ANTHONY. I do not claim any great knowledge of parliamentary law.

Mr. CONNALLY of Texas. Here is what the gentleman from Kansas said:

Mr. Chairman, it is my opinion that the amendment is a limitation.

I also want to call the attention of the Chair to the ruling of the Chairman, Mr. GRAHAM of Illinois, made last week. He held this identical amendment in order on the naval appropriation bill. He not only held it in order under the precedents but he said if it were an original proposition he would have to hold it was a limitation, and this amendment now is drawn so that it does not affect anything except the items in this particular paragraph, and it provides that these funds shall not be utilized for a certain purpose; and if that is not a limitation, I would like to know what a limitation is.

The CHAIRMAN. The Chair is ready to rule.

Mr. BLANTON. Mr. Chairman, I would like to be heard a moment.

The CHAIRMAN. The Chair will be glad to hear the gentleman.

Mr. BLANTON. Of course, if the Chair has made up his mind I do not wish to waste time.

The CHAIRMAN. The gentleman from Texas is oftentimes very persuasive and might cause the Chair to change his mind.

Mr. BLANTON. I hope the Chair is not being facetious about such an important matter.

The CHAIRMAN. Not at all; the Chair was entirely serious.

Mr. BLANTON. Mr. Chairman, a precedent was set in the last Army bill on just such an amendment, when it was held in order. The precedent was again set on the naval bill for this year.

This very amendment is in the present Army bill, in the act that is the law of this land until July 1. Every officer and the War Department are operating under that law now. Whenever you can show the War Department now, and until the present law is changed, that a young man has been enlisted against his parents' consent under the age of 21 they release him immediately.

This is not an interference with the discretion of an Army officer, and for this reason: The discretion of an Army officer is just what he can exercise under the authority of law that the Congress has made for his guide. That is the discretion he can exercise. If Congress says to an Army officer you shall not enlist a young man under 21 years of age without his parents' consent, that is not interfering with the discretion of an Army officer; that is giving him a law to guide him.

Mr. MADDEN. Will the gentleman yield?

Mr. BLANTON. Certainly.

Mr. MADDEN. The law does not say that now and this proposes to change existing law.

Mr. BLANTON. Does the gentleman from Illinois [Mr. MADDEN] mean to say that a legislative proposition in an appropriation bill for a fiscal year is not the law for that present fiscal year just as much as if it came from a legislative committee?

Mr. MADDEN. For this year.

Mr. BLANTON. Of course, and that is what is in the present law. It is a guide to the Army officer. He has no discretion except as the law gives it to him. I submit that this amendment ought to be held in order. I think the Chair did right in sustaining the point of order to the first amendment. I agree it was subject to a point of order, and that as to it the Chair was exactly right, but this second amendment is on all fours with

other amendments that have been held in order, both on the last Army bill and the latest Navy bill.

The CHAIRMAN. The Chair is ready to rule. As the membership of the House knows, the present occupant of the chair during his long service here has given some attention to parliamentary precedents. The Chair wishes to state in that connection that there has not been any one parliamentary question arising in this House, to which the present occupant of the chair has given so much attention as to this particular matter of limitation. The Chair should add that it is the most difficult of all the questions with which we have to deal here, even more so than germaneness itself.

The Chair wishes first to state his attitude toward rider legislation in general, which is one of distinct opposition to that form of legislation, and to state at least three reasons:

First, such legislation, hampered by parliamentary restrictions under which it must be made, is apt to be faulty. It is not the place for legislation. Legislation ought to be considered by a legislative committee and considered in the House as legislation. Therefore any consideration given to a rider on an appropriation bill must of necessity be superficial and unsatisfactory on account of such restrictions.

In the next place, rider legislation when enacted is tucked away in large appropriation bills, mostly concerning something else, and the law becomes a maze through which it is difficult for one to find his way. That of itself is one good reason why every opportunity to prevent rider legislation should be taken advantage of.

Third, and a much more important reason, is that it is antagonistic to one of the fundamental principles of constitutional government, which is that supply bills should be separated so far as possible from legislation. When supply bills are filled with matters of legislation, differences between the two Houses are apt to arise, differences difficult of settlement, oftentimes prolonging the consideration and endangering the passage of such bills which are necessary for running the Government. Another reason more important than these is that when the bill has passed the two Houses and goes to the Executive, the Executive can not exercise his constitutional right of vetoing a matter of legislation to which he may seriously object without at the same time striking down a great appropriation bill necessary for the carrying on of the functions of the Government.

These are some of the reasons that cause the Chair to be one of those ready at all times to limit, as far as can be properly done under the parliamentary procedure of the House, legislation by way of riders on appropriation bills.

The Chair has stated that he has given consideration to this subject in times past. There are literally hundreds of decisions, and the present occupant of the chair has read every one of them so far as they have been collected in the volume of precedents, trying to decide what is the proper line of parliamentary procedure through this inconsistent mass of precedents.

The precedents being as they are decisions of former Chairmen become really of little consequence on account of their conflicting character. The Chair will not attempt to bolster the ruling that he will make by any preceding ruling as such, but will simply refer to the reasoning supporting a number of such rulings.

The Chair will first ask the attention of the House to a ruling made by Speaker Cannon, found in section 3935 of Hinds' Precedents, volume 4. The Chair will read only the reasons:

The merits of the proposition are not involved in the point of order. What is the object of the motion and of the instruction? If it does not change existing law then it is not necessary. If it does change existing law then it is subject to the point of order. Much has been said about limitation, and the doctrine of limitation is sustained upon the proposition under the rule that as Congress has the power to withhold every appropriation it may withhold the appropriation upon limitation. Now, that is correct. But there is another rule, another phase of that question. If the limitation, whether it be affirmative or negative, operates to change the law or to enact a new law in effect; then it is subject to the rule that prohibits legislation upon a general appropriation bill.

A second reference I would make is to a statement of principle by Mr. Asher Hinds in his work, volume 4, section 3974:

It has generally been held that provisions giving a new construction of law or limiting the discretion which has been exercised by officers charged with the duties of administration are changes of law within the meaning of the rule.

Another statement of the same principle by Mr. Asher Hinds reads as follows, being section 3976, volume 4:

The language of limitation prescribing the conditions under which the appropriation may be used may not be such as, when fairly construed, would change existing law.

Another reference to Hinds' Precedents, volume 4, section 3973, is a decision by Mr. James S. Sherman:

The Chair is perfectly clear on the subject.

Rulings upon the subject of limitation have not been consistent by any manner of means; they have gone through something of an evolution. The later decisions have tended toward the point indicated, that where the proposed limitation might be construed by the executive or administrative officer as a modification of statute, a change of existing law, it could not be held to be a limitation. The Chair's belief is that the rulings along that line are correct, and so the Chair is constrained to sustain the point of order.

Just one more citation, and that is a statement in a ruling made by our distinguished colleague the gentleman from Ohio [Mr. BURTON]. It is to be found in section 3983, volume 4, of Hinds' Precedents.

Mr. Chairman BURTON in his ruling used the following language:

The limitation ceases to be such when by its terms, whether expressed in affirmative or negative language, it necessarily changes existing law. When there is expressed in the amendment a prohibition, as here, and details as to the manner of the performance of the duties of the office, it clearly points out the intention of the provision to impose new duties upon the Government officials. It is evident that the provision would be purposeless unless the effect was to change existing law. Now, if it is the duty of the United States district attorney to act in the line directed by this amendment, the amendment is unnecessary. If it seeks to impose upon them other and further duties, it is contrary to existing law, and that is true whether it is expressed in affirmative or negative language. The Chair, therefore, sustains the point of order.

A reference was made by the gentleman from Texas [Mr. BLANTON] to what is the existing law. The law as carried in the current War Department appropriation act has no reference whatsoever to this point of order. The existing law with which we are dealing is as follows, and I quote from section 1560 of Barnes' Federal Code:

Who may enlist: Recruits enlisting in the Army must be effective and able-bodied men between the ages of 16 and 35 years at the time of their enlistment. This limitation as to age shall not apply to soldiers reenlisting. No person under the age of 18 years shall be enlisted or mustered into the military service of the United States without the written consent of his parents or guardians, provided that such minor has such parents or guardians entitled to his custody and control.

This is the existing law, so far as we are concerned, in dealing with this proposition. What does this amendment provide? It provides that—

No part of the funds appropriated in this paragraph shall be utilized for the pay of any officer who may recruit or enlist any boy under the age of 21 years without the written consent of the parent or guardian, if any, of such boy for such enlistment.

What is the effect of the provision? The effect is that whereas it is provided by law that the recruiting officer may recruit certain young men, and makes it his duty to enlist them, still he can not be paid under this appropriation bill with this alleged limitation if he enlists such boys or men as it is his duty to enlist. This is the effect of the proposed amendment. A recruiting officer has the right, and in fact it is his duty under the law, to recruit men over 18 years of age. This provision makes it so that he can not do it. What is the effect? The effect is to change the law so far as recruiting is concerned.

The Chair desires now to call attention to one precedent which has not been cited this morning but which is valuable here. The Chair refers to a reasoning by Mr. James R. Mann, who said that an appropriation might be restricted to red-headed men only or exclude such men only from receiving any part of an appropriation. Such a limitation relates only to the qualifications of the persons paid, and the gentleman from Illinois, Mr. Mann, was correct in so stating. The amendment now under consideration, however, does not go simply to the qualifications of the persons paid. It prohibits the recruiting officer from performing a service which is legal, which it is his duty to perform, if this amendment were not inserted. Therefore, it seems to the Chair—

Mr. BLANTON. Mr. Chairman, will the gentleman permit a parliamentary inquiry?

The CHAIRMAN. Certainly.

Mr. BLANTON. Does the Chair realize that in making this decision he is wiping off the books the decision made by the gentleman from Illinois [Mr. GRAHAM]?

The CHAIRMAN. The Chair is not wiping any decision off the books, as the Chair stated earlier.

Mr. BLANTON. That is the effect of his decision.

The CHAIRMAN. There are endless decisions, literally hundreds of decisions, and they are not all on one side by any means. According to the gentleman's contention either way the Chair decides he must wipe off the books a number of decisions. While the present occupant of the chair has very great regard for the decisions of the gentleman from Illinois, nevertheless, he has himself some convictions on the subject, having given the subject some considerable attention.

Mr. BLANTON. But the decision of the Chair is in direct conflict with that of the decision of the gentleman from Illinois.

The CHAIRMAN. Oh, yes; and with a number of others. The decisions are not at all consistent with each other. They are not uniform. Therefore, the Chair must be guided by the best reasoning he can find in all of these decisions, and he is entirely clear that the best and soundest reasoning is antagonistic to this amendment. The Chair sustains the point of order.

Mr. BLANTON. Mr. Chairman, I respectfully appeal from the decision of the Chair.

Mr. CONNALLY of Texas. Mr. Chairman, I respectfully appeal from the decision of the Chair.

The CHAIRMAN. Two gentlemen from Texas appeal from the decision of the Chair.

Mr. CONNALLY of Texas. I claim the right to make that appeal.

Mr. BLANTON. I yield the right to my colleague.

Mr. CONNALLY of Texas. Mr. Chairman, this is debatable under the five-minute rule, is it not?

The CHAIRMAN. It is.

Mr. CONNALLY of Texas. Mr. Chairman, I submit that according to the Chair's own words he admits that his ruling is contradictory to many precedents in this House. The present ruling overturns the ruling made by the gentleman from Illinois [Mr. GRAHAM] in this House on Thursday last.

The gentleman from Illinois [Mr. GRAHAM] in that decision reviewed the precedents and based his ruling not only on the precedents but on his own reasoning and held the amendment to be a limitation. I desire to submit a ruling by the present occupant of the chair, the gentleman from Connecticut [Mr. TILSON], which I do not think he quoted when he made his decision. This was on February 3, 1921, on an amendment by the gentleman from Kansas [Mr. ANTHONY], the gentleman who now says every limitation except his own is out of order. Here is the limitation which the gentleman from Kansas offered. (RECORD, p. 2523.) Now listen:

The CHAIRMAN. The Chair is ready to rule. The bill makes an appropriation for aviation increase, to officers of the Air Service, \$1,000,000.

If left without the proviso, this \$1,000,000 could be expended for increase of pay of all officers who under the present law are qualified to receive it—that is, those who are actual fliers. The proviso as now modified provides that this appropriation shall not be available for increased pay of any officer who is not attached to an airplane squadron regularly required to fly; but this proviso shall not apply to any officer temporarily detached from such squadron.

The appropriation is already limited by existing law to officers who actually fly. This proviso, in addition to that limitation, adds another to the effect that besides being a regular flier the officer must also be attached to an airplane squadron which is required to fly.

In the opinion of the Chair this is a limitation. It is not within the province of the Chair to pass upon the wisdom or lack of wisdom of the provision, but it is the opinion of the Chair that the proviso actually limits the class now authorized to receive this increased pay under the law. Such a limitation to an appropriation is in order under the rules. The Chair therefore overrules the point of order.

The gentleman from Connecticut in the chair made that ruling in 1921. He said that it was not within the province of the Chair to pass upon the wisdom or lack of wisdom of an amendment, and yet the Chair to-day opened up his argument with the proposition that the use of limitations was not the right way to legislate, and so forth. He overruled many of the precedents established in this House in recent years by his good, strong right arm, because, he says, it is not the right way to legislate. I appeal from the Chairman of the Committee of the Whole House on the state of the Union, the gentleman from Connecticut [Mr. TILSON], of 1924, who bases his ruling to-day on himself, to the TILSON of 1921, who based his decision upon the precedents of this House and the legislative power of

this House. [Applause.] I ask that the Chair's decision be overruled.

Mr. BEGG. Mr. Chairman and members of the committee, this amendment ought not to be taken into consideration in the vote of whether we sustain the Chair in his decision. Now, in order that the gentleman from Texas—and I would like to have the gentleman from Texas pay attention—may know where his amendment will stick, I am going to show him—

Mr. CONNALLY of Texas. The gentleman is mighty kind; will he help me place it in what he thinks is the proper place—

Mr. BEGG. Beginning line 12 and ending line 16, is a paragraph in the bill for the pay of enlisted men, and if the gentleman would offer the amendment to that paragraph providing that no part of this fund shall be applied to pay of soldiers enlisted under 21 years of age, it would be in order.

Mr. CONNALLY of Texas. We have not got to that.

Mr. BEGG. Because the substance of the amendment is germane to the substance of the paragraph, but in the paragraph to which this amendment is offered the substance of that paragraph has to do with the pay of officers and in no way relates to the pay of enlisted men, under 21 or over 21. And an added reason why we ought to keep the proceedings of the House orderly is this: What kind of a predicament would we be in if some officer the last half of the year, after having drawn his pay throughout, would by a mistake enlist a boy under 21 years of age and that information would not come to the Army officer, the paymaster, until after he had received the last installment of pay? Then according to the law, if this particular provision is held in order to this paragraph, that officer would not be entitled to any of his yearly salary. And in conclusion, men, I do not care whether you enlist them at 19 years old or 21 you ought to cast your ballot on this proposition at the right place and not make an incongruous condition in the law and hitch on it something in this way, and I maintain that the Chair has held according to all parliamentary procedure.

Mr. DYER. Will the gentleman yield?

Mr. BEGG. I will.

Mr. DYER. The gentleman from Kansas in charge of the bill upon the floor stated a minute ago that he would offer a point of order, at least he did offer it thinking the amendment was at the proper place, that it was new legislation.

Mr. BEGG. That is a different point of order.

Mr. DYER. Of course great parliamentarians differ.

Mr. BEGG. Now I want to say to the gentleman from Texas [Mr. CONNALLY], regarding the decision rendered by the gentleman from Kansas to which he refers in that amendment, if the gentleman will read it carefully, he will find that the substance of the amendment was identical with the substance of the paragraph to which it was offered, and, of course, it was in order as a limitation. But you can not limit the pay of the officers on an amount of money by limiting the duty of some other class of enlisted men.

Mr. LONGWORTH. Mr. Chairman, I merely wanted to make one observation before the committee votes on this question, and I sincerely hope the committee will not take into consideration the merits one way or other of the amendment of the gentleman from Texas [Mr. CONNALLY]. I realize very well the difficulties that surround the Chair in interpreting these limitations. I have been in the Chair myself a number of times when this particular bill, the Army bill, was before the committee. The line of demarcation is very close indeed in all these propositions, but it seems to me that now we ought to realize that it is wise on the part of the Chair to construe all these questions as strictly as possible. Most of these precedents applied before the creation of this new Committee on Appropriations, when the committees that had charge of the legislation for the Army and the Navy and various other departments also had the power of appropriating. But I think we all realize that now, when the Committee on Appropriations has taken over all of the appropriating functions of the various committees of the House, it is the part of wisdom to confine bills reported by it as closely as possible to appropriations and as little as possible to legislation.

Mr. DYER. Mr. Chairman, will the gentleman yield?

Mr. LONGWORTH. Yes.

Mr. DYER. What does the gentleman say about the second line there, wherein they provide that no part of this fund shall be paid to a certain officer of the United States Army? Is not that going beyond purely the subject of appropriating?

Mr. LONGWORTH. That is not involved in the discussion. I am merely suggesting that it is wise for the committee, before we undertake to overrule the decision of the Chair, to consider this main proposition, that notwithstanding how close these questions may be, as to whether they are legislation or not, whether or not in the guise of limitation it is wise to follow the general proposition laid down by the Chair in this case,

and that we ought to construe as strictly as possible legislative provisions in these bills.

Mr. BLANTON. May I ask how the gentleman voted the other day on the Graham decision when he held that legislation preventing the supervision of Government employees was in order under the rule?

Mr. LONGWORTH. Was that appealed from the decision of the Chair?

Mr. BLANTON. Yes; I appealed, and the vote was 77 to 1. I think the gentleman from Texas was the 1. My position was with the gentleman then, but we did not get the votes.

Mr. LONGWORTH. Well, the gentleman is sometimes mistaken.

Mr. GARRETT of Texas. Mr. Chairman, in view of the statement of the gentleman from Ohio that the line of demarcation is very close and very narrow in all of these amendments, and in view of the fact that the House by a decisive vote declared the policy that they did not believe that boys under the age of 21 should be enlisted either in the Army or the Navy, what better way could we settle that controversy than by voting against the decision of the Chair?

Mr. LONGWORTH. I will say to the gentleman that I personally disclaim any attempt to argue the merits or demerits of this question. It may be that at some other point in the bill the amendment of the gentleman from Texas [Mr. CONNALLY] would be clearly in order. Of course, I am slightly embarrassed when I find myself called upon to choose between the decision on the one hand of a very eminent parliamentarian, the gentleman from Illinois [Mr. GRAHAM], and on the other hand a decision that seems to be at variance therewith, that of the eminent parliamentarian now in the chair; but all that I am trying to do now is—

Mr. CONNALLY of Texas. And I may suggest another eminent parliamentarian, the gentleman from Ohio himself, who maintained that the amendment was in order.

Mr. LONGWORTH. The gentleman from Ohio was not called upon to decide upon this exact question. At any rate—and I repeat it—without consideration of the merits or demerits of this particular plan, or the question whether it may be in order at some other point in the bill, I hope gentlemen will take seriously the proposition to overrule the decision of the Chair in this case.

The CHAIRMAN. The Chair is prepared to make a statement, which will be very brief.

Mr. CRISP. Mr. Chairman, if the Chair will permit, I would like to make a statement before the Chair makes his statement.

The CHAIRMAN. The Chair will recognize the gentleman from Georgia.

Mr. CRISP. Gentlemen of the committee, in common with you all I have great respect for the ability and fairness of the present occupant of the chair. I know that he is sincere in his rulings. But it seems to me that under the rules of the House there can be no question but that the ruling of the Chair is erroneous, for this amendment is a pure limitation and as such undoubtedly it is in order as an amendment. As to whether or not the House desires to adopt it, that is a different thing. But as to whether it comes within the limitation rule, I do not see how it is open to controversy. My friend the distinguished leader [Mr. LONGWORTH] was presenting to the House, as the reason we should not adopt it, the fact that under the consolidation of appropriations in the Committee on Appropriations we should restrict the power of that committee. But the rules of the House placing all of the appropriations in the Committee on Appropriations affected only one rule of the House, and that rule was the Holman rule, and under that rule where the committee had jurisdiction of legislative matters as well as the authority to make appropriations the committee could report legislation in an appropriation bill if the legislation retrenched expenditures. The Committee on Appropriations never had that authority or power and the change of the rules in no wise affected the Committee on Appropriations so far as legislating on an appropriation bill. Now we all agree that the Committee on Appropriations is not a legislative committee. But this proposition is not suggested by the Committee on Appropriations. The Committee on Appropriations did not bring in the limitation proposed in this amendment. It is offered from the floor of the House.

But I go further, gentlemen. The Committee on Appropriations, under the decisions and precedents of the House, can bring in limitations, and the Committee on Appropriations today, in nearly every bill it reports, does contain some limitations. It has always been recognized that a committee can bring in limitations, and surely if the House committees can,

then this great committee, composed of every Member of the House, is clothed with the same authority.

I can not see how gentlemen can doubt that this is a limitation.

Mr. LONGWORTH. Will the gentleman yield?

Mr. CRISP. Yes.

Mr. LONGWORTH. I think the gentleman did not quite apprehend what I said. All I said was this, and I think the gentleman from Georgia will agree with me: That in construing what is a proper limitation the Chair should always err—if he errs at all—on the side of a strict construction rather than on the side of a loose construction.

Mr. CRISP. That is a question of opinion. When I had the pleasure of occupying the chair, if I ever had any doubt as to whether an amendment was in order, I always resolved that doubt in favor of the House and gave the House a chance to pass on it, overruling the point of order. [Applause.]

Mr. LONGWORTH. That would be true generally. But the gentleman agrees it is unwise to legislate on appropriation bills, does he not?

Mr. CRISP. Well, I think that is true, but I think—if my friend will permit me to say it—that is a question for the committee to determine, whether or not they will accept the amendment or adopt the legislation. That is a question as to the merits or demerits and as to whether or not you want to accept it.

I do not care to take up the time of the House any further, but I just want to read a decision—

Mr. BEGG. Before the gentleman reads that will he permit me to ask him one question?

Mr. CRISP. I yield to the gentleman.

Mr. BEGG. I have every respect in the world for the gentleman's judgment. I do not know whether the gentleman was present when I made some remarks a few moments ago, but suppose I were to offer an amendment providing that no part of this money should be paid to an officer or officers purchasing blue blankets—would the gentleman argue that that was a limitation?

Mr. CRISP. I would. I think that if there were a provision in this bill which provided for the purchase of black horses that the House, if it wanted to do a silly thing, could say that no part of the funds should be used for the purpose of purchasing bay horses or white horses. I think that is a limitation which would be in order under our rules.

Mr. BEGG. The gentleman is correct if the amendment were offered to a paragraph under Ordnance and Supplies.

Mr. CRISP. I will say to my friend that this amendment provides that no part of the funds in the paragraph to which it is offered shall be used for this purpose. Now, if the paragraph to which it is offered is not used to pay these salaries, then the amendment will be inoperative. As a parliamentary proposition this amendment is proposed as a limitation to a particular paragraph in the bill, saying that none of the money appropriated in that paragraph can be used for this purpose. Now, if that is not a limitation I can not conceive of one.

Mr. GRIFFIN. Will the gentleman yield?

Mr. CRISP. Yes.

Mr. GRIFFIN. I am in doubt about this question, and it seems to me the main point to be considered is whether or not the proposed amendment involves new legislation or a change of existing law. The existing law, as I understand it, is that recruiting is only permitted between the ages of 16 and 35, and this proposed amendment, which seems to me to change that law, prevents the recruiting of soldiers under the age of 21. I would be glad to have the gentleman's opinion as to that.

Mr. CRISP. This amendment, if adopted, indirectly, to a limited extent, does change existing law, but it does not permanently change existing law; in other words, this amendment can not create any affirmative permanent legislation; it can not apply to any other funds that the department may have available; it only applies to the funds appropriated in a certain paragraph of this bill; it does not create affirmative legislation, but it says that none of the money appropriated can be used in violation of the limitation. In my judgment, the amendment is in order and the decision of the Chair should be reversed.

The CHAIRMAN. Before submitting the matter to the vote of the House the Chair will make a very brief statement. In ruling that this is in effect legislation on an appropriation bill the Chair is far from having any idea of depriving the House of any of its rights. He is, in fact, simply suggesting the proper tribunal to which these matters should be sub-

mitted, which is the legislative committee having jurisdiction of the subject matter and not the Appropriations Committee.

The Chair thinks that in considering this subject we should look through the form and to the substance of the matter. As indicated by the gentleman from New York [Mr. GRIFFIN], who has just taken his seat, it has the effect of changing the law so far as the enlistment of recruits is concerned, and the Chair agrees with him that we should look through the form and consider the effect of the proposed amendment.

In so considering this matter the Chair has arrived at a conclusion which seems unescapable in the light of the reasoning in the premises regardless of what may have been decided by himself or others in the past. As the Chair has already stated, those decisions and all the precedents on this point are conflicting; but whatever they may be the Chair has arrived at the conclusion which he has stated, believing that this is not a limitation upon the appropriation but is, in effect, a limitation upon the discretion of the executive authority, and for this reason the Chair made his ruling.

The question is, Shall the decision of the Chair stand as the judgment of the committee? The Chair will ask the gentleman from New Jersey [Mr. LEHLBACH] to assume the chair and take the vote.

Mr. LEHLBACH took the chair.

The CHAIRMAN. The question is, Shall the decision of the Chair be the judgment of the committee?

The question was taken; and on a division (demanded by Mr. BEGG) there were—ayes 76, noes 128.

So the decision of the Chair was rejected as the judgment of the committee.

Mr. ANTHONY. Mr. Chairman, I desire to offer a substitute.

The CHAIRMAN. The gentleman from Kansas offers a substitute to the amendment of the gentleman from Texas, which the Clerk will report.

The Clerk read as follows:

Mr. ANTHONY offers the following amendment by way of a substitute for the amendment offered by the gentleman from Texas [Mr. CONNALLY]: "Provided, That the Secretary of War shall discharge from the Army with the form of discharge certificate and the travel and other allowances to which his service, after enlistment, shall entitle him, any enlisted man under the age of 21 on the application of either of his parents or legal guardian if such enlisted man was enlisted without the consent of one of his parents or his legal guardian."

Mr. CONNALLY of Texas. Mr. Chairman, I reserve a point of order.

Mr. ANTHONY. I ask the gentleman to make the point of order now, if he has one.

Mr. CONNALLY of Texas. I withdraw the point of order, Mr. Chairman.

The CHAIRMAN. The gentleman from Texas withdraws the point of order, and the gentleman from Kansas is recognized.

Mr. ANTHONY. Gentlemen of the House, I have offered this substitute for the amendment of the gentleman from Texas [Mr. CONNALLY] with the idea of relieving the War Department from the great embarrassment which it suffers in being compelled to literally obey the legislation which was placed upon the appropriation bill for the current year. There is also a tremendous expense that is involved under the language which compels the War Department before it can enlist a man anywhere near the age of 21 to require the recruiting officers to secure the affidavits and the direct evidence from the parents or from the guardian of the recruit presenting himself before the officer dares to enlist such a man, under penalty of having his pay forfeited. This means that the Army has been compelled to secure this evidence in the case of every man presenting himself for enlistment in the case of men ranging up to the ages of 30 years or more in order that the recruiting officer can be absolutely sure he has made no mistake and thus not subject himself to the penalty of having his pay withheld. The House ought to know just what this means. It has caused an increased cost in the expenditures required for recruiting the Army, in my judgment, of not less than \$400,000 or \$500,000 during the current year.

Mr. DOWELL. Will the gentleman yield?

Mr. ANTHONY. In just a second. The Adjutant General of the Army makes the statement in the hearings that he believed that the amendment placed upon the bill for the current year by the gentleman from Texas [Mr. CONNALLY] would cost \$1,000,000 more than it would if the amendment had not been placed thereon. In my judgment it has cost us, as I say, from \$400,000 to \$500,000. I do not believe that this House in the

present desire of the country for economy in Government administration means to do such a wasteful and extravagant thing as to compel the War Department to gather all of this evidence in the case of every man who presents himself for enlistment who is anywhere near the age of 21.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. ANTHONY. I yield to the gentleman from New York.

Mr. LAGUARDIA. Will the gentleman's amendment insure the discharge of a soldier wrongfully enlisted on presentation of proper proof?

Mr. ANTHONY. I think the amendment which I have offered will absolutely meet the desires of the House that men under the age of 21 shall not be enlisted without consent of parent or guardian; or, if enlisted without such consent, shall not be required to serve in the Army if their parents or their guardians desire them out.

Mr. CARTER. Will the gentleman yield?

Mr. ANTHONY. This will mean that in such instances they will be instantly discharged. I yield first to the gentleman from Iowa.

Mr. DOWELL. I know the War Department is against this amendment, and I am not so sure it is against it from the standpoint of the expenditure involved, but does the gentleman know that the plan he has suggested of permitting them to take all these men into the Army in various parts of the United States and then return them home, where they have been wrongfully enlisted, would be any cheaper than it would be for the officers to go to their parents and find out how old they are before they take them in?

Mr. ANTHONY. Yes. I want the House to know that there were over 16,000 instances during the current year where young men presented themselves for recruitment and were held under observation in order to secure the affidavits from their parents or guardians that they were of the age of 21, and on those 16,000 men it is a fair estimate that it cost the Government \$20 apiece to take care of them during that time, so that we lost over \$300,000 in trying to secure evidence about these 16,000 men alone; who subsequently left without waiting for the evidence. The purpose of my amendment is to relieve the War Department from that ridiculous and unnecessary work and expenditure.

Mr. CARTER. I take it that the purpose of the gentleman's amendment is to keep the War Department from enlisting men whom they would have to discharge.

Mr. ANTHONY. Of course.

Mr. CARTER. And I am going to assume they would not do that.

Mr. ANTHONY. If the War Department used any judgment at all, no recruiting officer would knowingly enlist a man under 21 if he had any idea he was to be discharged the next day.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. DYER. Mr. Chairman, I ask that the gentleman may have five minutes more.

The CHAIRMAN. The gentleman from Missouri asks that the time of the gentleman from Kansas be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. CARTER. Would the gentleman object to having placed in his amendment the word "written," so that the written consent of the parent or guardian would be required?

Mr. ANTHONY. I would not.

Mr. CARTER. I think that would accomplish the purpose.

Mr. JONES. That is the question I wanted to ask the gentleman.

Mr. ANTHONY. My purpose in offering the substitute for the amendment was to make it possible for the War Department to go along and recruit men obviously of the age of 21 and over without having to go to the trouble and annoyance involved in securing absolute evidence that the man is over 21.

Mr. DYER. Will the gentleman yield?

Mr. ANTHONY. Yes; I yield to the gentleman.

Mr. DYER. Could not this be straightened out without any difficulty if the recruiting officers would say to the man who applies for enlistment, "Go to your parents and bring them here or bring affidavits?"

Mr. ANTHONY. Oh, no; that would be absolutely ridiculous. It would be impossible for the parent to be brought there. The situation is just this: There were 16,000 of these boys or men—because they were not all boys, and most of them were over 21—who presented themselves for enlistment, and while they were waiting for the evidence that the department was compelled to secure many of these men went away.

Mr. SNYDER. How many of them dropped out on account of their parents or guardians not giving their consent?

Mr. ANTHONY. There were 1,400 of them, I think.

Mr. HASTINGS. Is the gentleman's amendment the same as existing law with reference to those under 18?

Mr. ANTHONY. No. The existing law, under the defense act, as I understand it, requires the written consent of the parent or guardian for those 18 years or under.

Mr. HASTINGS. This would make it apply up to 21.

Mr. ANTHONY. This would make it possible for every man enlisted under the age of 21 to immediately be discharged on the request of his parent or guardian.

Mr. Chairman, I ask unanimous consent to modify my amendment by adding the word "written."

The CHAIRMAN. The gentleman from Kansas asks unanimous consent to modify his amendment by inserting before the word "consent" the word "written." Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment as modified.

The Clerk read as follows:

The amendment of Mr. ANTHONY is modified by inserting before the word "consent" the word "written."

Mr. CONNALLY of Texas. Mr. Chairman, I offer an amendment to the substitute offered by the gentleman from Kansas.

The Clerk read as follows:

Amendment by Mr. CONNALLY of Texas to the substitute amendment offered by Mr. ANTHONY: In line 1, before the words "Secretary of War," insert the word "hereafter."

Mr. CONNALLY of Texas. Mr. Chairman, I have no objection to the amendment of the gentleman from Kansas. I do not think it is as good as mine, but since the gentleman from Kansas has changed his mind and announces that he is really in favor of the proposition at heart I am willing to compromise with the gentleman and accept his amendment. I will do that if in turn he will accept the amendment I offer to his amendment, and that is an amendment to add the word "hereafter," making this permanent law instead of a temporary law on an appropriation bill for one year and relieving us of the necessity of having to force every Committee on Appropriations each year and the Military Committee in this House to adopt it. If you will adopt my amendment to the Anthony amendment I shall be willing to agree to accept the amendment of the gentleman from Kansas, because I assume that since he has offered it he will see that it comes back from conference in the bill and will not strike it out in conference as the conferees undertook to do a year ago when the Committee on Appropriations agreed with the Senate conferees to take it out of the bill after the House had adopted it. What did the subcommittee do this year? After the House a year ago had put this amendment into the appropriation bill the subcommittee on the Army appropriation bill deliberately reported the bill to the House with that clause stricken out. Some gentlemen are not at heart in favor of this proposition. If the gentleman from Kansas will agree to my amendment by adding the word "hereafter" and make this permanent law I will agree to his amendment. The gentleman says the Army is not getting recruits. Why, here is a clipping from a newspaper quoting The Adjutant General of the Army as saying that recruiting in the Army under this very amendment is increasing, and that by the 1st of July the Army will have all the men that are authorized under the law to be recruited.

I want to read you a letter that I received from a woman about this very matter:

MARCH 22, 1924.

Representative CONNALLY,
Washington, D. C.

DEAR SIR: Our daily paper, the Muncie Star, gives a paragraph to your bill which bars boys under 21 from enlisting in the Navy. I wish, as a mother who has suffered from the present law, to heartily commend your action.

Our boy was pursued, apparently, by recruiting officers for several years before he was 18, and was induced, without our knowledge, to enlist on his eighteenth birthday. He has had a home way above the average and every advantage parents of moderate means give their children, but he resented our desire to give him an education which would fit him for real independence.

The advantages and possibilities of the Navy were, to say the least, misrepresented to him, as we knew when it was too late. After a year he realizes this and is bitterly and desperately repentant. We are trying to have him released that he may finish his high-school course and go to college. But "red tape" makes it a slow and discouraging process. As he has had quite a remarkable record for several years in

military leadership, he is the type they want for officers, so I question if he will be released. If not, I dare not think of what his future may be, knowing, as I do, how unhappy he is.

I am, I trust, a loyal citizen, but I can not understand the fairness which permits the Government in peace time to secretly take our boys, upon whom we parents have spent so much of care and time and money. If in manhood they make such choices, that is their own affair. But in the years when they are legally minors have we parents no rights?

Please pardon me if I have taken more of your time than seems reasonable.

Yours truly,

ROWENA N. HUFFER.

Mr. Chairman, the gentleman from Kansas [Mr. ANTHONY] puts his objections to my amendment on a purely money basis. I know that the Appropriation Committee becomes somewhat filled with ideas of money and figures. I know that dealing with money and appropriations so long their mental attitude looks out through the dollar, but in the name of all that is good, have we got to measure everything by the yardstick of the gold dollar? Are not the boys and their future worth anything? Are not the homes of the Nation worth anything? I submit that we ought to adopt the amendment by adding the word "hereafter" and make it permanent law. If you will do that I am willing to accept the amendment of the gentleman from Kansas. [Applause.]

Mr. GRIFFIN. Mr. Chairman, I rise to oppose the amendment. If I had my way I would turn the amendment the other way around, so as to prohibit the enlistment of men over 21 years of age and would encourage their enlistment under 21. [Applause.] What is needed most is a law to induce men over the age of 21 years to go out and produce. Grown-up men ought to be usefully employed in producing things necessary for the country and not be engaged in boys' play. War is a boys' game. Why, during the Civil War the bulk of the armies were composed of mere boys. In the Federal Army alone there were 2,159,798 soldiers under 21 years of age. The boys have done and always will do the fighting. They are at the age of romance; they are fired with enthusiasm; they have read the lives of Washington, Napoleon, Alexander, and other great heroes, and, being in the proper mental attitude, that is just the time for them to receive military training.

I have absolutely no sympathy with this whining about the service of boys in the Army. I have had hundreds of whining letters such as that which the gentleman from Texas read and almost shed tears over. Of course, they all think their boys are led astray by some other bad boys and the parents of the "bad" boys think their sons are the ones who have been misled.

But what I object most to is that they all think that the American Army and the American Navy are not good enough for their sons. In that case their boys ought to be spanked and kicked out of the service [applause] instead of amending the law in a way which practically concedes their unfounded aspersions to be true.

SOME BOYS WHO WERE NOT SPOILED.

Many of the ablest men who have distinguished themselves in our Army and Navy, you will find, joined the service when they were under 21 years of age. I could name a hundred famous men in history who went into the service under 21 years of age. Take the case of Washington, the Father of His Country, who, after three years of service as a public surveyor, was made adjutant general of the Colony of Virginia at the age of 19. At 21 he led a dangerous expedition to explore the source of the Ohio River and took part in an arduous military reconnaissance. At 22 he led the expedition which resulted in the capture of Fort Necessity.

Under the leave to extend accorded me, I will run through a merely casual list of great men in history who began their military careers at ages which, in the present effete and decadent period which we seem to be entering, would never have had the opportunity for great service and would probably have died in obscurity. If they were living to-day they would not be able to join the American Army or Navy. Their mammas would not let them!

Commodore Stephen B. Decatur entered the Navy in 1778 at the age of 18 years; served on the United States frigate *Constellation* and participated in the naval combats resulting in the capture of the French frigates, *l'Insurgente* and *La Vengeance*.

Capt. James Lawrence, who, mortally wounded, gave utterance to the Spartan exclamation, "Don't give up the ship," entered the Navy in 1798 at the age of 18.

Capt. Oliver Hazard Perry, who sent the imperishable and terse report of the victory over the British fleet on Lake Erie, "We have met the enemy and they are ours," went to sea at the age of 14 and entered the United States Navy at 17.

Commodore John Barry, the first commander of the United States Navy, went to sea at 14 and commanded his own ship at 20.

Capt. John Paul Jones, the hero of many naval battles in the Revolutionary War, who when his ship, badly battered, was sinking under him was asked by the captain of the *Serapis* to surrender, returned the sturdy reply, "Not by a damned sight; I've only begun to fight"—well, this hero was apprenticed on board a merchantman at the age of 12. At 17 he was made second mate, at 18 first mate, and at 21 was in command of his own ship.

Admiral Horatio Nelson, the hero of the Battle of Trafalgar, entered the British Navy at 12, accompanied Captain Phipps on his Arctic expedition at 15, fought in battles in the West Indies at 17, became a lieutenant at 19, and a captain at 21.

Commodore Edward Preble embarked as a seaman on an American fighting privateer in 1777 at the age of 16. At 19 he was made a midshipman.

Capt. David Porter went to sea on a merchantman at 14; made a midshipman at 18; and was on the United States frigate *Constellation* in her battle with the French frigates *L'Insurgente* and *La Vengeance*. Was wounded in a battle with the pirates on the coast of Santo Domingo at the age of 20, and took part in the war with the Barbary pirates while only 21.

Gen. Richard Montgomery, who died in the assault on Quebec during our Revolutionary War, had received, like General Gates, his training in the English Army, which he entered at the age of 18.

Gen. Daniel Morgan, the hero of the Battle of Cowpens, one of the greatest victories of the Revolutionary War, in which he defeated the redoubtable British cavalry leader General Tarleton, joined General Braddock's unfortunate expedition as a wagoner when only 19.

Gen. Andrew Jackson (Old Hickory), seventh President of the United States, joined the Revolutionary Army in 1780 at the age of 13 and fought with General Gates at Camden.

Gen. William Henry Harrison (Old Tippecanoe), ninth President of the United States, entered the Army at the age of 18 and fought under Gen. Anthony Wayne against the Indians when only 19.

Admiral David Glasgow Farragut, the hero of the naval battle at New Orleans, who, in the battle at the entrance to Mobile Bay, when he lashed himself to the mast, damned the torpedoes, and sailed triumphantly through a hail of fire, joined the Navy as a mere stripling at 9 years of age. At 12 he was intrusted with the command of a captured ship. At 18 became acting lieutenant, and took part in the naval encounter with the pirates of the West Indies at only 19.

Gen. James Wolfe, who won Canada for Great Britain by his famous defeat of Montcalm at Quebec, entered the army at the age of 15. He participated in the battles of the War of the Austrian Succession, in the Scottish rebellion of 1745, and took a brave part in the famous Battle of Culloden in 1746, when he was only 20 years old. He commanded a regiment at the age of 23.

These are only a few combings from American and English history. To go back to the Middle Ages and to ancient times would net hundreds of examples of virile and intelligent youths who owed their manhood to their early training in defense of their respective native lands.

At 16 Alexander the Great was man enough to take command of his father's army and quell a rising of the hill tribes. At 20 he succeeded to the crown of Macedonia and began the career of conquest which made his name historic.

Can you imagine any of these heroes importuning their parents to get them out of the army? They had too much stamina and grit.

MILITARY TRAINING A DUTY.

Every citizen ought to be a soldier—that is, he owes it as a duty to his country to know how to defend it against attack. That duty is just as essential as serving on a jury or acting as a witness in court to tell the truth and uphold justice. The time to learn the military responsibilities of a good citizen is just before those duties are assumed; in other words, during minority. It is then that the service of the individual can best be spared from the obligations of productive activity. He rarely has marital obligations or marital thoughts before 21; his mind and body are in the creative, formative state, and he is amenable to training, both mental and physical. Military training cultivates the habits of order, precision, regularity, and promptness, and increases efficiency in every task and in every situation with which the citizen may be confronted in civil life.

This Nation will not be worth preserving the moment the insidious poison penetrates the public mind that our Army and Navy are not fit moral fields for the training of our youth. If

there is anything wrong with the system in either the Army or the Navy, the remedy is to ascertain and correct the faults. Not, as we are asked to do by this amendment, give encouragement to the slander and practically invite timid parents to draw their boys away from the service, thus choking their ambition and the longing for the sea or military glamor which have constituted the rightful heritage of every red-blooded boy from the beginning of history.

In all earnestness I say to you that if we do not stop this coddling and humoring of the youth of our country we are going to raise up a race of weaklings. We want men in this country, and we should not encourage sentiments that would take ambition and the fire of patriotism and loyalty out of boys who want to go into the Army or the Navy—aye, even against their parents' consent. That consent should not be asked. The country has the right to their service, just as it has the right to the service of their fathers for jury duty. It is a part of the responsibilities of nationhood. We have the right to protect ourselves from without as well as within our borders. We compel children to go to school up to a certain age. The Nation has the right to say when schooling should end and military training should begin; but in any event, however this may be viewed, the perfectly lawful ambition of our American boys to amount to something in the world should not be thwarted by too much solicitude or too much coddling. They ought to be encouraged to do something for their country even in the days of their youth. [Applause.]

Mr. BLANTON. Mr. Chairman, I move to strike out the last two words, merely to get the floor. The gentleman from New York [Mr. GRIFFIN] is awfully willing to vote somebody else's 18-year-old boy into the Army when he would not have his own boy 18 years of age enlist there in peace times for anything. Has the gentleman got any boys under 21?

Mr. OLIVER of New York. I will say to the gentleman—

Mr. BLANTON. Oh, I am not asking the gentleman from New York, Mr. OLIVER, but I am asking the other gentleman from New York, Mr. GRIFFIN, who spoke. Has he any boys under 21 years of age that in peace times he wants to put into the Army? No; he has not; but he wants to get up here and speak about forcing some other man's son under 21 years of age going into the Army. [Applause.] I ask any other gentleman on this floor: Get up here and show me how you look if you have a boy under 21 that you want to go into the Army now, in days of peace.

Mr. SPROUL of Illinois. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Has the gentleman from Illinois got any?

Mr. SPROUL of Illinois. I have seven grandsons, one of them 14 years of age, and if they want to go into the Army I will help them get there.

Mr. BLANTON. Oh, I am talking to fathers now relative to their own sons. I again submit the question: Is there any Congressman here who has a boy 18 years of age or under 21 that he recommends to go into the Army now, in time of peace?

Mr. ANTHONY. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. ANTHONY. Right here sitting by my side is my colleague the gentleman from Wisconsin [Mr. FREAR], who went into the Army as a boy, and it made a man out of him.

Mr. FREAR. And I am with the gentleman on the other side, Mr. CONNALLY, and am for his amendment, unless this amendment is agreed to.

Mr. BLANTON. Yes; he is.

Mr. FREAR. I know from experience.

Mr. BLANTON. The distinguished gentleman from Wisconsin knows from experience that in peace time the Army is no place for a young boy, and I want to clinch that nail right here. When I asked any Member to get up here and show himself, so that we might see how he looked, if he had a boy 18 years of age that he wanted to go into the Army in peace time, the gentleman from Kansas [Mr. ANTHONY], nearly 7 feet high, who himself did not have any young boys of his own whom he wanted to put in, picked out the distinguished gentleman from Wisconsin [Mr. FREAR] as an exhibit, and said that he was a living example because he went in as a boy; and what did the gentleman from Wisconsin say? Mr. FREAR gets up and says that he does not want any other young boys to go in the Army in peace times, because he had enough when he was in there, and that he is for the Connally amendment. Does not that clinch the proposition?

The law of every State in this Union says that the contract of a boy is not good until he is 21 years of age. The laws permit him to go into the courts and set such contracts aside when he makes a contract of that kind in respect to his civil or property rights when he is under 21 years. Every State in

this Union gives these boys to their parents until they become 21 years of age, and we ought not to take them away for service in the Army during peace time, and the amendment should be adopted.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. ANTHONY. Mr. Chairman, in response to the question of the gentleman from Texas [Mr. CONNALLY], for my part I am entirely willing to accept his amendment to my proposed amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas to the amendment offered by the gentleman from Kansas.

The amendment to the amendment was agreed to.

The CHAIRMAN. The question now recurs upon the substitute offered by the gentleman from Kansas, as amended.

Mr. DYER. Mr. Chairman, I ask unanimous consent that it may be again reported as amended.

The CHAIRMAN. Without objection, it will be so reported. There was no objection, and the Clerk read as follows:

Substitute offered by Mr. ANTHONY for the amendment offered by Mr. CONNALLY of Texas: "Provided, That hereafter the Secretary of War shall discharge from the Army with the formal discharge certificate and the traveling and other allowances to which his service after enlistment shall entitle him any enlisted man under the age of 21 years on the application of either of his parents or legal guardian, if such enlisted man was enlisted without the written consent of one of his parents or his legal guardian."

Mr. WEFALD. Mr. Chairman, I move to strike out the last word. This is one of the few days during the session of the Congress when the mothers of this Nation have a right to speak through us as their representatives, and I am in favor of this amendment. I am not going to detain you very long, but I have some letters here that I want to read into the Record because those letters will show clearer than anything that has been said why so many mothers in this country are in favor of legislation such as will be embodied in this amendment. For one, I am indeed surprised to find that the reactionaries who have been speaking to us here to-day, who want no limitation placed upon enlistments, are men who have not been men enough to raise boys of their own. It is irony to hear such men talk about enfeebling boys and spoiling them; those who have not raised boys of their own have never come in real contact with a boy's soul and can not know which are the critical years in that soul's development. A father knows but the mother knows much better.

I am not here to oppose enlistments. I have raised boys, and if my boy should want to enlist, as far as I am concerned, I shall make no objection, but I know how my wife would feel if he should run away from home before he is 18 or before he is 21 years of age. I have three letters here sent me from a constituent of mine and by the permission of the committee I should like to have the Clerk read them. They will show you why some mothers do not like to have their boys go into the Army and Navy.

The CHAIRMAN. Without objection, the Clerk will read the letters.

There was no objection.

The Clerk read as follows:

—, MINN., January 9, 1924.
To Congressman KNUD WEFALD,
Washington, D. C.

DEAR SIR: Am inclosing two letters from a young fellow who ran away from home and finally joined the United States Navy. This young person was always trying to chum with one of my boys, and after I had found these letters I am determined to have his way of living reported. He coaxed my boy away from home last summer, but they missed each other and my boy got work until school opened; the other one went to Great Lakes.

I am surprised that the sailors are allowed such wild times and I am sorry that such immoral men like him and others can hide inside a naval uniform. It is no wonder that boys who come from our good homes and are clean and good will desert the Navy when they are thrown into such companionship. I knew a young man of the finest moral character who voluntarily joined the Navy but who said he would rather be shot than stay, because of the vulgar element that existed. Our country can not afford to allow such things to go on and the sooner it is stopped the better.

Whether a man wears the Army or the Navy uniform he should honor it instead of disgracing it, and that can be stopped when they stop picking up all the trash around the country.

Very sincerely yours,

Mrs. ————,
—, Minn.

Mr. WEFALD. The next letter written by a young man in the Navy to the lady's son speaks for itself and shows plainly why this lady is in fear that her son may get away from her and drift into surroundings that she would abhor to think that he was in.

[The Clerk read the letter. It will not appear in the Record.]

The CHAIRMAN. The time of the gentleman has expired. Mr. WEFALD. Mr. Chairman, I ask for two minutes more in order that the remainder of the second letter may be read.

Mr. ANTHONY. I shall not object to that, but I shall ask that all debate on the amendment and substitute therefor close at the end of that time. Mr. Chairman, I move that all debate close at the end of the time requested by the gentleman.

Mr. MADDEN. Mr. Chairman, I move to strike out the last letter from the Record. I do not think it should go in the Record.

The CHAIRMAN. The Chair thinks that must be done in the House.

Mr. MADDEN. The last letter ought not to go in the Record.

Mr. LAGUARDIA. Take it out.

Mr. MADDEN. I hope the gentleman will ask unanimous consent to take it out.

Mr. WEFALD. I shall be pleased to do so, and I ask leave to revise and extend my remarks.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to revise and extend his remarks and asks to expunge the last letter read. Is there objection?

Mr. MADDEN. I reserve the right to object to the extension until I ascertain whether the gentleman will take this letter out of the Record.

The CHAIRMAN. The Chair so stated. The Chair hears none.

Mr. MADDEN. But the gentleman did not state it. I have no objection if that is taken out.

Mr. WEFALD. The while I am a Member of this House I shall always try to conduct myself so that I never shall even violate the spirit of the rules of the House and always keep within the bounds of decency, so if this letter shocks the prudish notions of correctness of anyone here it had better not go into the records, although I am sure that in elite Washingtonian society—from what I have heard—it would cause no woman in decolette costume to blush in the least. In this letter the young man that has enlisted tells his chum at home something about the realization of the adventures that the posters advertising advantage and romance awaiting those who enlist in the Army and Navy so luridly set out.

The mother that sent me the letter has a boy that is yet in school. The Navy lad writes his friend at home, asking him how he likes school; "I hope you like it as well as I like the Navy; if you do, I am sure that you make a better success than I did in school." I am sure that even those gentlemen that are willing to let all the boys in the country, regardless of whether they are only 16 years of age and whether or not they have their parents' consent to enlist, do so, because they themselves have no boys to worry about will admit that a mother like the one that writes me shall at least feel secure that her boy may finish school before he leaves home. If we pass the amendment before us, she can feel sure that her wishes must be respected.

There certainly must be enough of adventuresome boys in this great country who can obtain their parents' consent to enlist, if the military life is such a great life to lead as many people think it is, that mothers who have scruples over their boys going into such surroundings should not be forced to make such a sacrifice in times of peace. I think that neither the Army or Navy should wish to rob the public schools of what justly belongs to them. The representatives of the people in Congress should not throw any halo around either Army or Navy that there is no just ground for. We do not maintain them for either pleasure or glory; they are maintained as fighting machines that you may have to use in time of need; but no mother can contemplate with joy or comfort the thought that her boy is taken away from school in the formative years for both soul and intellect and put into training that will train only the brutal animal fighting instinct, as is clearly shown from a paragraph of another letter from the same lad, where with boyish pride he says:

I am getting much taller and broader and I have to be able to handle me dukes much better than in civilian life; when you are in the Navy it seems as though you just want to fight all the time; some one is always fighting.

Yes; some one is always fighting. Yet I am sure that many much worthier fights in life can be fought by boys whose

mothers have dreamed of greater careers for them than drinking and rushing girls that are strangers to them, enticing as that is for red-blooded boys cut loose from childhood's moorings. I maintain that the State has no right to break a mother's heart.

We have some rules governing discharge on account of minority or dependent family, also a method of discharge by purchase, but when you come to try and help to get some one out of the Army or Navy you find there are so many exceptions to the rule that it is about impossible to effect a discharge. A poor man can not buy a discharge, it can not be obtained until after one year of service—by purchase—and then it will cost all the way from \$120 to \$170 after one year's service, according to where a person is stationed, running down to \$30 to \$80 after two years' service. There is hardly a farmer in the Northwest that could afford such an outlay to-day to get a young boy, that had got into the service wrongly, out again. I have got two or three such cases on my hands and it is a hopeless task, but this amendment, if passed, may help some.

We are not now engaged in war. We should now train our young boys for peace. There is no special call for youth now away from school and good home influence. There is no fighting to do now except to clean up corruption in high places and to gather together the remnants of democracy we fought for in the late war. Now is the time that youth should take part in this and not only in the development of the animal in themselves. Let us set no snares in the path of youth.

Mr. OLIVER of New York. Before the gentleman makes his motion may I ask unanimous consent to extend my remarks in the Record in favor of this amendment?

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the Record on this bill.

The gentleman from New York [Mr. GRIFFIN] also asks unanimous consent to extend his remarks, also the gentleman from Missouri [Mr. LOZIER]. Is there objection to these requests? [After a pause.] The Chair hears none. Does the gentleman from Kansas desire to make a motion?

Mr. ANTHONY. No.

The CHAIRMAN. The question recurs on the amendment of the gentleman from Kansas offered in the way of a substitute to the original amendment offered by the gentleman from Texas [Mr. CONNALLY].

The question was taken, and the substitute was agreed to.

The CHAIRMAN. The question is upon the original amendment as modified by the substitute.

The question was taken, and the amendment was agreed to.

Mr. BROWNE of New Jersey. Mr. Chairman, I have an amendment to this paragraph in this bill. Is it in order now?

The CHAIRMAN. Yes; the gentleman from New Jersey offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BROWNE of New Jersey: Page 9, line 4, after the figures "\$30,388,000," substitute a period for the colon and strike out the word, "Provided, That no part of this sum shall be paid to Maj. Charles C. Cresson, United States Army."

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. NELSON of Maine, having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, on of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 7449) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1924, and prior years, to provide supplemental appropriations for the fiscal year ending June 30, 1924, and for other purposes, disagreed to by the House of Representatives, and had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. WARREN, Mr. CURTIS, and Mr. OVERMAN as the conferees on the part of the Senate.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested.

S. 225. An act to extend the benefits of the United States employees compensation act of September 7, 1916, to Edward N. McCarty.

ARMY APPROPRIATION BILL.

The committee resumed its session.

Mr. BROWNE of New Jersey. Mr. Chairman and members of the committee—

Mr. ANTHONY. Mr. Chairman, there will probably be time asked on this amendment, and I ask unanimous consent—

The CHAIRMAN. Does the gentleman from New Jersey yield; he has the floor?

Mr. BROWNE of New Jersey. I yield.

Mr. ANTHONY. I would like to ask if the gentleman from Kentucky [Mr. JOHNSON] is on the floor; if not, I ask unanimous consent that debate on this amendment offered by the gentleman who now has the floor be limited to one hour, half of that time to be controlled by the gentleman from Kentucky [Mr. JOHNSON] and half of that time by myself.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent that debate on this amendment offered by the gentleman from New Jersey be limited to one hour, one-half of that time to be controlled by the gentleman from Kentucky [Mr. JOHNSON] and half by himself. Is there objection?

Mr. McKEOWN. Mr. Chairman, reserving the right to object, will gentlemen opposed to the proviso be granted time under that arrangement or will gentlemen both in favor of it control time.

Mr. ANTHONY. I will say that the gentleman from Kentucky is in favor of the language in the bill. If I control half of the time I shall grant time to gentlemen who are opposed to the provision in the bill.

Mr. McKEOWN. I just wanted to know if there was some one who would grant time to those who are opposed to this provision?

Mr. ANTHONY. That would be my purpose, to grant time to those opposed to it.

The CHAIRMAN. Is there objection?

Mr. LaGUARDIA. Mr. Chairman, reserving the right to object, I would like to ask if that includes time on the Hunt proviso?

Mr. ANTHONY. It does not.

Mr. LaGUARDIA. That will be taken up later.

Mr. ANTHONY. Yes.

Mr. JOHNSON of Kentucky. Mr. Chairman, reserving the right to object, I would like to ask the gentleman from Kansas to state his unanimous-consent request. Does it relate to the two propositions, Cresson and Hunt?

Mr. ANTHONY. It only refers to the case of Major Cresson. One hour's debate on the amendment which is now before the committee, half of that time to be controlled by the gentleman from Kentucky in favor of the language of the bill and half to be controlled by myself, opposed to it.

Mr. JOHNSON of Kentucky. Then what would be the limit of debate on the matter almost similar, that of Hunt, which comes later?

Mr. ANTHONY. I propose when we reach that to ask time for debate with a similar limit of one hour.

Mr. JOHNSON of Kentucky. Why not make the request now?

Mr. HASTINGS. Will the gentleman yield to me?

Mr. ANTHONY. I have not time—

Mr. HASTINGS. Reserving the right to object, Mr. Chairman, it seems to me this is too long a time. Here we have under consideration a great appropriation bill. A few days ago we had under consideration the adjusted compensation bill which affected some four million six hundred thousand or seven hundred thousand ex-service men. We were allowed 20 minutes on a side to discuss that adjusted compensation bill, yet we will be taking up the time of this House for two hours to discuss this question. It seems to me that people ought to be able to understand it without that much discussion.

A MEMBER. Regular order!

Mr. HASTINGS. Then I object. I was about through. If we can not have a little courtesy here, we will have the regular order all right.

The CHAIRMAN. The gentleman from New Jersey [Mr. BROWNE] is recognized.

Mr. BROWNE of New Jersey. Mr. Chairman, it seems to me that this provision in the appropriation bill is unusual, if not unique, in that it discriminates against an officer of the United States Army, against whom no charges have been preferred and who is not under indictment or upon trial for any cause.

I have known personally Maj. Charles C. Cresson for upward of 30 years, and during that time I have never heard his character assailed nor his integrity questioned. The purpose of this provision of the bill, which I ask removed, is not stated in the bill, but I am informed that it is to have this major's pay cut off on account of supposed laxity in the prosecution of a court-martial in which he was judge advocate. It would serve no purpose to discuss here the procedures in this particular court-martial; it is probable that no trial is ever conducted to the satisfaction of all parties concerned or of those who inject their interest later.

I am not sufficiently advised of the jurisdiction of the House of Representatives, but it seems to me to be a dangerous precedent for the Congress to "expropriate" the pay of a public

servant, whether in the Army or Navy or any other department, because certain persons are not satisfied with a specific performance of duty.

Mr. McKEOWN. Mr. Chairman, will the gentleman yield?

Mr. BROWNE of New Jersey. In a moment.

Major Cresson should either be in the Army with full pay or out of it with no pay. [Applause.] It seems to me to be a remarkable, if not an undignified, procedure for this House to acknowledge the right of this officer to remain in the Army and then attempt to render his position untenable by passing a bill specifically denying him his proper pay. [Applause.] For this reason I offer this amendment.

Mr. McKEOWN. Has any measure or any bill been introduced in the Congress to recommend some kind of a trial or to make some charge against this man?

Mr. BROWNE of New Jersey. I have not heard of any. I have not heard that Major Cresson is charged with anything at all.

Mr. McKEOWN. Does the gentleman know whether legislation is contemplated to take action of this kind?

Mr. BROWNE of New Jersey. No. I am sure there is not.

Mr. BOYLAN. Mr. Chairman, will the gentleman yield?

Mr. BROWNE of New Jersey. Yes.

Mr. BOYLAN. I will ask the gentleman from New Jersey if he is defending Major Cresson for any personal or political reasons?

Mr. BROWNE of New Jersey. I will say to the gentleman from New York—and I will apologize to the House in that I do not consider myself as partisan as is traditional or customary here—I do not know the political affiliations of Major Cresson, nor do I care. Of course, the matter was brought to my attention on account of my personal friendship for Major Cresson, but I am not defending him for that reason.

As a matter of fact, I am not defending him at all, because there is no charge made against him. What I am attempting to do is to prevent the House from assuming a ridiculous position in acknowledging that an officer is entitled to his commission but not to his pay.

I yield to the gentleman from New York [Mr. STENGLE] the remainder of my time.

The CHAIRMAN. The time is not in the gentleman's control. It is in the control of the gentleman from Kansas [Mr. ANTHONY] and the gentleman from Kentucky [Mr. JOHNSON].

Mr. DYER. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. DYER. Do I understand the Chair to state that there was an agreement as to the allotment of time? I understand some one objected.

The CHAIRMAN. The Chair stands corrected. The gentleman from New Jersey has one minute remaining.

Mr. McKENZIE. Mr. Chairman, will the gentleman yield?

Mr. BROWNE of New Jersey. Yes.

Mr. McKENZIE. We have heard a good deal this morning about legislation by limitation. Is not this an attempt to legislate by confiscation?

Mr. BROWNE of New Jersey. I think this is an attempt to condemn a gentleman who has not been heard, who has no accusation lodged against him, and who is not under trial.

Mr. NEWTON of Minnesota. Without a trial of any kind.

Mr. BROWNE of New Jersey. Yes. Mr. Chairman, I ask unanimous consent to revise and extend or curtail my remarks in the RECORD.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. STENGLE. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. STENGLE. Mr. Chairman and colleagues, the personality of Major Cresson has nothing whatever to do with what I am about to say, for I have no personal acquaintance with the gentleman and know nothing about his antecedents, and have nothing to say concerning the Army record or his connection with the Bergdoll case or any other case. But to my mind there is involved in this particular amendment and the paragraph to which it has been offered a principle that is more important than Major Cresson [applause]; a principle that is more important to this House and to the people of this country than the Bergdoll case; a principle which, if enacted into law, would open wide the door of opportunity to strike from the appropriations of this Congress any individual in any department, in any position under the Government, who happened per se not to meet with the favor of some particular committee of this House. It is for that reason largely, if not alone, that I have asked for a

few minutes of your time in which to ask you to discuss among yourselves and to decide a principle for yourselves, not the guilt or innocence of Major Cresson, who, if he be guilty of any charge whatever, is amenable to a court-martial in the War Department and not amenable to this House directly. The principle involved is that we may here and now by voice and vote strike from the pay roll of the Army or the Navy or the Supreme Court—yes, or this very House—any individual who happens not to meet with our approval because of something that happened that we do not like. It is for this reason that I have risen to ask you to join with me in support of this amendment, to strike out these things, and make our appropriation bills what they ought to be, and what the chairman this morning contended so strenuously they must be, and that is the appropriation of funds for specific purposes, and not the slaughter of a major in the Army for personal reasons. [Applause.]

Mr. Chairman, I ask permission to insert as a part of my remarks a letter which has been addressed to me by Mr. Hiram C. Todd, of New York City, who is a "buddy" of Major Cresson.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

Mr. JOHNSON of Kentucky. As it seems to be the deliberate purpose of this House not to punish a betrayal of the flag of the Nation, I object.

Mr. STENGLE. Mr. Chairman, if I have the time, I will read it into the RECORD.

The CHAIRMAN. The gentleman has one minute remaining. Mr. STENGLE (reading)—

As a friend and comrade of Maj. Charles C. Cresson I address you. We served together in the Thirteenth Division during the World War, and I write this letter with the heart-deep desire to help right a grievous wrong that has been done to my "buddy." This is not a request for political aid but an appeal for fair treatment of a soldier who has served his country so well as to deserve the praise of Congress instead of its censure.

Cresson, who is still in the service as a major—judge advocate—has been treated outrageously by a provision in the Army appropriation bill stopping his pay. I am informed that this objectionable provision was placed in the bill by Congressman BEN JOHNSON, who was the author of a majority report by the Bergdoll investigating committee. This report charges Cresson with willfully failing, as trial judge advocate, to properly conduct the prosecution of Col. J. E. Hunt before an Army court-martial, Colonel Hunt having been charged with neglect of duty in failing to take proper precautions against the escape of Bergdoll, the notorious draft evader.

And, gentlemen, without taking further time to read, attached hereto is the copy of a letter from Major General Bullard, who—

Mr. JOHNSON of Kentucky. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. JOHNSON of Kentucky. My point of order is that the time of the gentleman has expired.

The CHAIRMAN. The point of order is overruled.

Mr. STENGLE. Attached to this letter is a copy of a letter from Maj. Gen. R. L. Bullard, of New York, which supports the statements contained in the letter of Hiram C. Todd. [Applause.]

The CHAIRMAN. The gentleman from Texas [Mr. WURZBACH] is recognized.

Mr. WURZBACH. Mr. Chairman, I ask unanimous consent to extend and revise my remarks in the RECORD.

Mr. JOHNSON of Kentucky. I object. If the other side of this question can not be heard, I must object to the presentation of only one side.

Mr. WURZBACH. I want to state that when I discussed this proviso last Saturday under general debate it was understood, and so stated on the floor of this House, that I would be given 20 minutes to discuss it under the 5-minute rule.

Mr. HASTINGS. Will the gentleman yield in order that I may explain the objection I urged. I objected a while ago because I was objected to over on the other side. I have no objection myself to any reasonable length of time, and I did not know what the matter was until a few minutes ago.

Mr. WURZBACH. I was in great hopes that I would be permitted to give Charlie Cresson—and I love to refer to him as "Charlie" rather than as Maj. Charles C. Cresson—the one opportunity which is presented to-day to give him a fair defense against the charges that were made in the report that was prepared by the gentleman from Kentucky [Mr. JOHNSON], and I think in all fairness this committee ought to permit a fair presentation of his case.

Charlie Cresson volunteered in the World War; he offered his services "to make the world safe for democracy," and the Appropriations Committee, and now this committee, proposes to take away from him—one of these volunteers, a soldier of this great Republic in the last war—the very privilege which our own democracy affords the humblest citizen in this land. You are proposing to take away from him, under this proviso, his right to the salary to which he is entitled under the law, you are proposing to put a stain upon his good name, and this without the pretense of ever having permitted him any sort of trial or hearing.

There has never been in the history of this country, from the beginning until now, so revolutionary a proposition presented as is presented in this proviso. Why, gentlemen on the Republican side, myself included, have criticized the investigations which are being held on the Senate side of the Capitol, claiming that matters are investigated that ought not to be investigated.

Mr. DYER. Will the gentleman yield?

Mr. WURZBACH. I can not. But we find that it is being now proposed to take away from a World War volunteer, now in the service of the United States, his right to be heard in his own defense. The investigation committees of the Senate do not go so far as to deny a man the right to appear and testify in his own behalf, but in this particular case Charles C. Cresson has had no chance to appear before the congressional committees of the House in 1921, and has had no opportunity to appear before the Appropriations Committee or any subcommittee thereof.

Mr. Chairman, I wanted to supplement to-day the remarks I made on last Saturday. Of course, I know it will be impossible for me to do that if an objection is made to the unanimous-consent request I am going to make. I could not possibly go into it in the short time available under the five-minute rule, but I hope, and I think I have the right to expect, that under the peculiar circumstances surrounding this case time will be granted me to present at least a partial defense of Maj. Charles C. Cresson.

I make the statement, and I will support it if I am given as much as 20 minutes to-day, that the report which was filed in this House by the congressional committee in 1921 is not supported by the court-martial proceedings.

The CHAIRMAN. The time of the gentleman has expired. Mr. WURZBACH. Mr. Chairman, I ask unanimous consent to proceed for 20 minutes.

Mr. HUDSPETH. Mr. Chairman, I ask unanimous consent that my colleague may proceed for 15 minutes.

Mr. JOHNSON of Kentucky. I object, Mr. Chairman.

Mr. TUCKER. Mr. Chairman—

Mr. WURZBACH. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for 10 minutes. Is there objection?

Mr. JOHNSON of Kentucky. I object.

Mr. GRIFFIN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GRIFFIN. I would like to ascertain the legislative situation which prevents the coupling of the request of the gentleman from Texas with a similar request of the gentleman from Kentucky. The gentleman from Kentucky charges he has been unable to present his side, and I suggest that as much time as each of them may require be granted to them by the committee.

Mr. WURZBACH. Will the gentleman yield to me?

Mr. GRIFFIN. Yes.

Mr. WURZBACH. The gentleman from Kentucky came over to my side of the floor a short while ago and suggested that each one of us have 20 minutes' time.

Mr. JOHNSON of Kentucky. The gentleman is mistaken about that, because the agreement had been all along that I was to have an hour.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WURZBACH. Mr. Chairman, I ask unanimous consent that I may be permitted to proceed for five minutes.

Mr. BANKHEAD. Mr. Chairman, I want to prefer a unanimous-consent request.

The CHAIRMAN. The gentleman from Texas [Mr. WURZBACH] was seeking to propound a unanimous-consent request.

Mr. BANKHEAD. I understood it had been objected to.

Mr. WURZBACH. I ask unanimous consent, Mr. Chairman, to proceed for five minutes.

Mr. JOHNSON of Kentucky. I object.

The CHAIRMAN. The gentleman from Virginia is recognized.

Mr. HILL of Maryland. Mr. Chairman, I ask recognition.

The CHAIRMAN. The gentleman from Virginia has been recognized.

Mr. TUCKER. Mr. Chairman and gentlemen, I know nothing in the world about this case or about this officer. I do not know his name, but this is certainly one of the most remarkable propositions, I think, that ever was presented to this House. The legislative power of this Congress, Mr. Chairman, is practically unlimited, and yet there is a limitation upon it, for the Constitution declares that no bill of attainder shall be passed.

Mr. BLANTON. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. DYER. Mr. Chairman, I make the point of order that the gentleman can not be taken off of the floor in that way.

Mr. BLANTON. I am going to make a proper point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. BLANTON. I make the point of order, Mr. Chairman, that under the rules of debate which govern this committee on every proposition those both for and against the proposition are entitled to recognition. This is the fourth gentleman who has been recognized successively by the Chair, the gentleman from New Jersey [Mr. BROWNE], the gentleman from New York [Mr. STENGLE], the gentleman from Texas [Mr. WURZBACH], and the gentleman from Virginia [Mr. TUCKER].

The CHAIRMAN. That is not a proper point of order and the Chair will state that anyone seeking recognition who indicates that he wishes to speak in opposition to the preceding speaker will get the preference from the Chair.

Mr. BLANTON. There have been several of us—

The CHAIRMAN. No such person has arisen.

Mr. TUCKER. Mr. Chairman, I am perfectly willing to yield the floor until a later hour, because I am really anxious to know upon what ground this proposition can be maintained.

The Constitution declares specifically that no bill of attainder can be passed. What is a bill of attainder? It is a legislative act prescribing punishment without judicial trial. [Applause.] This man may be as guilty as Judas Iscariot, but he is entitled to a trial. Why, gentlemen, the hornbooks teach this doctrine so plainly and simply that I really was anxious to have this matter discussed on the other side before I appeared.

This is no new proposition. The two old cases of *Ex parte Garland* and *Cummings against Missouri*, both in fourth Wallace, United States Report, followed by innumerable cases, hold that you can not by a legislative act punish a man without a judicial trial.

Gentlemen sometimes wonder why we have a Constitution, and laugh at it. Thank God, we have written that principle in the Constitution of my country. [Applause.]

When the Civil War was over, and the passions of men ran high, Augustus H. Garland appeared before the Supreme Court to practice law, and they would not allow him because Congress in those days had passed a law that no man who would not or could not come forward and swear that he had sympathized with the Government and had taken no part in the rebellion, so called, could practice law. What did that great tribunal say? It is one of the things that gives me a great opinion of that court that in those days, when reason was dethroned by reason of passions that grew out of that war, they said, in effect, "Come along, Augustus, that is a bill of attainder; that is punishing you by taking away from you the right to make a living by practicing law. It can not be done without giving you a trial."

And a good old Baptist preacher out in Missouri named Cummings wanted to continue to convert those wicked people in Missouri, after the war, and they said he could not do it unless he could swear that he had not sympathized with the rebellion during the war. Just think of how far we had gone in those days. What did the court say? It said in effect, "When you take away from Brother Cummings the right to convert the wicked Missourians, you are punishing him, and you can not do it." [Laughter and prolonged applause.]

Mr. DYER. Mr. Chairman—

Mr. TUCKER. Yes; you are the very man he was after. I wish he had had a chance at you and we would not have had these Dyer bills up here. [Laughter and applause.]

Mr. Chairman, I did not rise to go into this discussion but merely to call attention to a primary, fundamental principle that every boy down in Virginia knows, and if such a provision were to go through this House as this is, it would be worthy of the Fiji Islands and not of free America. [Prolonged applause.]

Mr. FISHER. Mr. Chairman and gentlemen of the committee—

The CHAIRMAN. Does the gentleman from Kentucky desire recognition?

Mr. JOHNSON of Kentucky. Let him go ahead.

The CHAIRMAN. The gentleman from Tennessee is recognized.

Mr. FISHER. Mr. Chairman and gentlemen of the committee, I am opposed to the two provisions which the committee has presented to this committee and to the House to cut off the pay of two Army officers, one a man in active service to-day with an efficient record and with a superior officer ready to say that Maj. Charles C. Cresson is to-day and has been since he has been under him a very superior officer. I also wish to speak of Col. John E. Hunt, who had been for many years a prison officer of the Army. There came a time when there were charges lodged against him as to his handling of a slacker named Grover Bergdoll, and Major Cresson was the officer designated to be the prosecuting officer when the court-martial was ordered by the War Department. It was not a voluntary service by Major Cresson.

I do not know Major Cresson and have never seen him, nor have I ever seen or met Colonel Hunt, but I have made inquiries about both of those officers from the records of the War Department. The Appropriations Committee have given us nothing in the hearings as to the record of these two officers and the reason why they wrote such radical provisions. It is such an unusual procedure to have provisions cutting off the pay of these two officers, one in active service and the other on the retired list, that it is beyond comprehension. Congress passed the law where an officer has served a certain time, becomes disabled, or reaches a certain age he is retired, and Colonel Hunt was regularly retired and is drawing his pay under that law. I have not had an opportunity of giving a careful study to the entire record in the Colonel Hunt court-martial, but I take the word of General Bullard, who served with such great distinction in France as a lieutenant general of our Army, and he says that he has gone over the entire record in this case and that Major Cresson's record as a prosecutor officer was fine and that the case was properly presented and no fault was found.

I hold in my hand a letter from a friend of mine, an officer who has known Major Cresson for years, and he says that he has read every line of the court-martial record, studied it, and he is in the Judge Advocate's office, and he says that the prosecution by Major Cresson was conducted all right. He also states that Major Cresson is an efficient officer and a gentleman.

Why should these officers be punished in this way without receiving notice, by cutting off their pay which we have voted that they should receive, all without being given a hearing? It would be establishing a precedent for future Congresses which would be indefensible and deplorable. Why should you pick out two officers and disgrace them in a bill in this way, cutting off their pay without giving them an opportunity to be heard? I want to say that it is a dangerous precedent. If this procedure is accepted, other officers might be selected. I want the committee to-day to vote against and stop such a method of procedure. We have appropriated the pay for these two officers; and if they are unworthy, a court-martial can determine it. [Applause.]

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. JOHNSON of Kentucky. Mr. Chairman, it was understood in advance that about 200 Members of this House who knew nothing of this question should have an opportunity to be advised about it. That tentative agreement has been violated. There is now no chance for these 200 men, called upon to vote on this question, to know about what they are to vote on. It is impossible in five minutes to tell this House of one of the ugliest betrayals of the American flag that has ever been brought upon it.

Mr. WURZBACH. Will the gentleman yield?

Mr. JOHNSON of Kentucky. No; I will not. I heard the remarks of the gentleman from Texas, who wants to take part of my five minutes' time, and one of the letters which he has used as coming from General Bullard is a forgery. General Bullard himself is authority for the statement that he has issued but one letter. It is a statement gotten under the most peculiar circumstances, not by Major Cresson but by another whom I shall not discuss. One statement purporting to come from General Bullard is used to influence this House, and another statement pretending to come from General Bullard is used to influence the American Legion, and have them endorse this traitor to our country when he has imposed upon either the House or upon the Legion with a forgery. If men do not want to hear of one of the ugliest crimes ever committed, to say nothing of Benedict Arnold himself, then you

will vote without knowledge, and when you have done it you will have acted without knowledge; you will have acted without information on this case, and you will have served not only one traitor but two.

There is no place where these traitors can be discussed, where they can receive what they are entitled to receive, except here, and here the gag rule has been applied, and from this minute I shall see that nobody undertakes to defend these traitors beyond the five-minute rule.

Mr. ROGERS of Massachusetts. Mr. Chairman, I do not know to what particular letter of General Bullard the gentleman from Kentucky [Mr. JOHNSON], who has just concluded, refers. I should like to call to the attention of the House a letter from General Bullard on this very subject which has just been officially transmitted to me. The Bullard letter was written within the last 10 or 12 days. It accompanies a letter from the Secretary of War, dated March 24, in which the Secretary says:

Major Cresson was trial judge advocate of the general court-martial before which Colonel Hunt was brought to trial. As far as I have been able to ascertain, his conduct of the prosecution has never been officially criticized by any of his military superiors on the ground that he failed properly to perform his duties as trial judge advocate. On the contrary, Major General Bullard, who appointed the court and reviewed the proceedings; Maj. Allen W. Gullion, Judge Advocate General's Department, General Bullard's staff judge advocate; Lieut. Col. John L. Bond, Infantry, a spectator at Colonel Hunt's trial; and Maj. Thomas L. Heffernan, judge advocate, Officers' Reserve Corps, counsel for Colonel Hunt, are on record to the effect that Major Cresson did his full duty in the prosecution of Colonel Hunt. Copies of written statements, dated March 14, 1924, by Major Heffernan, Lieutenant Colonel Bond, Major Gullion, and General Bullard are inclosed herewith. It seems to me that before legislation of the nature of the above-mentioned provision relating to Major Cresson is enacted he should be afforded an opportunity to be heard in person before the committee charged with the duty of reporting upon the legislative project which contains that provision.

Next I want to read the inclosure from General Bullard, because it is the last word in point of time at least from the commanding general of the area in which this unfortunate occurrence took place:

HEADQUARTERS SECOND CORPS AREA,
Governors Island, N. Y., March 14, 1924.

To The ADJUTANT GENERAL,
War Department, Washington, D. C.:

1. The accompanying papers are forwarded to you for use in case the War Department desires to make before Congress any statement concerning Maj. Charles C. Cresson, Judge Advocate General's Department, whose pay has, I understand, been recommended to be held up in a bill reported from the House Military Committee to the House.

2. As commanding general of the Eastern Department at the time of the trial of Colonel Hunt, I remember Major Cresson's prosecution of the case. His duty was properly done. He was reported to me at the time as somewhat overanxious to secure a conviction.

R. L. BULLARD,
Major General, U. S. A.

Now, gentlemen, as the gentleman from Virginia [Mr. TUCKER] has so very eloquently and truly said, this question is a question of principle. The question of fact is subordinate and secondary. But the farther one goes into the question of fact—and I have gone into it with thoroughness—the more convinced one becomes that Major Cresson was an efficient fighter for the cause of justice and that, if possible, he had an undue hatred of Bergdoll and all the Bergdoll tribe and associates.

Mr. WURZBACH. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Massachusetts. Yes.

Mr. WURZBACH. There was only one letter from General Bullard inserted in the Record, which I inserted myself, and it is, in substance, the same as the letter which the gentleman from Massachusetts has just read. If that is a forgery, then the letter referred to by the gentleman from Massachusetts is also a forgery.

Mr. BLANTON. Mr. Chairman, if the Government had no more fairness in the trial of Hunt than has been exhibited here on the floor in this debate, I am not surprised that Hunt was acquitted, because 30 minutes have been used for the amendment, and up to this time only 5 minutes have been allowed against it; and with my 5 minutes it will make 10. Of course, neither this House nor the Congress can keep the pay from this officer ultimately. This provision is merely to force a court-martial trial. Everyone realizes that, and I would not vote to withhold his pay permanently, but I take it that this committee has used this provision just as an admonition to

the War Department that they ought to do something and the Congress is expecting them to do something relative to inaugurating a court-martial proceeding. Of course, if nothing is done and no action is taken against this man, ultimately his pay will have to be given to him. Everyone realizes that.

This man, Major Cresson, prosecuted Hunt, who let Bergdoll escape, and everybody knows it; and after Major Cresson allowed Hunt to escape justice my friend from Tennessee [Mr. FISHER] puts a crown on his head and calls him not Cresson but Major Cresson. That is the reward that he gives him. I think this record is unanswerable. Everybody knows that Bergdoll did escape. Everybody knows that the Army permitted him to leave the penitentiary, where he rightly belonged, and go out hunting gold buried down here near Washington—such monkey business as that—and that his escape was premeditated, and that he escaped and perverted justice and went to Germany, and has escaped the law ever since. Major Cresson apologized for prosecuting Hunt. If you will read the beginning of his speech, you will see that he apologizes at the very outset.

Mr. WURZBACH. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. I want to commend the distinguished chairman of this committee for letting this provision go into his bill.

Mr. ANTHONY. Oh, do not commend me at all. It was put in over my head.

Mr. BLANTON. Then I want to commend the gentleman for presiding over a subcommittee that had enough wisdom and enough courage to vote a matter over his head and put into the bill something that would call the attention of the War Department to a probable court-martial that ought to take place.

Mr. DICKINSON of Iowa. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLANTON. I wish it had not expired, because I would like to yield to the gentleman from Iowa.

Mr. DICKINSON of Iowa. The subcommittee voted it down.

Mr. BLANTON. But the Appropriations Committee of this House forced it to go into the bill.

Mr. BOYCE. Mr. Chairman, I want to say only a word. Assuming that all that the distinguished gentleman from Kentucky [Mr. JOHNSON] has said be true, the proviso in the bill under consideration is unthinkable. [Applause.] It strikes down a vital principle which I do not believe the members of the committee will stand for.

Mr. SIMMONS. Mr. Chairman, I have been listening to this debate with mingled emotions, first, because within the last few days the newspapers have carried the story that one Grover Cleveland Bergdoll, arch traitor to his country, had the effrontery to attempt to negotiate with the United States for his return to America. So far as he is concerned, let him come back unconditionally and submit himself to the punishment that is due him under American law as administered by American courts, or let him stay without our borders, a creature without honor, a being without sense of shame, a man without a country.

As to Major Cresson. On the 29th of September, 1921, he came before a convention of the American Legion in Nebraska, over which it was my privilege to preside, and told the service men of Nebraska the story of Bergdoll, of his trial, of his punishment, of his escape, of the trial of Colonel Hunt. You men can not go to Nebraska to those service men who know Major Cresson and tell them that he has betrayed the American flag or is a traitor to the uniform that he wears. [Applause.]

We know Major Cresson to be a brilliant lawyer. We know him to be a soldier of distinction, a citizen of America of quality, and as such he is entitled to go before a tribunal where he has the right guaranteed by the Constitution to every American citizen of a fair trial, a fair hearing, and a chance to be heard and confront his accusers. It is only right that those of us who were his comrades in the late war ask that he be granted this privilege, that he be given this right of an American citizen. There are those of us who have no fear as to the outcome, no misgivings as to what might be the result of a trial of that character, or as to Major Cresson's loyalty or patriotism in anything that has been said or anything that has been done.

Mr. WURZBACH. Mr. Chairman, will the gentleman yield?

Mr. SIMMONS. Yes.

Mr. WURZBACH. Is it not a fact that Maj. J. C. Cresson as an emergency officer prosecuted and convicted Grover C. Bergdoll, then prosecuted and convicted Irvin Bergdoll in a military court, that thereafter he followed the rest of the Bergdolls, Mrs. Emma Bergdoll Brown, and in fact all of the Bergdoll clan into the Federal courts of the United States at

his own time and at his own expense and helped to secure their conviction also.

Mr. SIMMONS. My understanding is that the conviction of the whole Bergdoll tribe and their accessories is largely due to the untiring efforts, the ability, the loyalty, the high standing and character of Major Cresson. [Applause.]

Mr. DICKINSON of Iowa. Mr. Chairman, I do not pose here as one knowing anything about the facts in this case, but it is my contention that this item is out of place in an appropriation bill and I am heartily in favor, as a member of the subcommittee, of the motion to strike it out of the bill. I think it is out of place here and that we should not attempt to do this sort of thing on an appropriation bill, as that is not our function.

Mr. RUBEY. Will the gentleman yield?

Mr. DICKINSON of Iowa. I will.

Mr. RUBEY. I notice this language in the bill to which an amendment has been made to strike out. Before language can get into a bill it must be placed there by the committee?

Mr. DICKINSON of Iowa. Yes, sir.

Mr. RUBEY. Was this indorsed by the committee?

Mr. DICKINSON of Iowa. The subcommittee did not indorse it, but the whole committee put this proviso in the bill.

Mr. RUBEY. And now the whole committee, except two or three, want to strike it out?

Mr. DICKINSON of Iowa. I could not tell the gentleman except as to myself. I am against the language being in the bill.

Mr. RANKIN. Mr. Chairman, I want to ask the gentleman from Kentucky [Mr. JOHNSON] a question or two in order that I may know how to vote on this proposition. As a matter of fact it looks now as though Bergdoll is preparing to return to the United States. I do not know what the inducement is, but it seems to me somebody has been flagrantly negligent. I understand that about two years ago some one broke into the office of the gentleman from Kentucky [Mr. JOHNSON] and stole evidence in this case.

Mr. JOHNSON of Kentucky. Much of it.

Mr. RANKIN. That is, a good deal of the evidence and possibly a sufficient amount to take care of the defense when Bergdoll returns to the United States, as he no doubt will do, according to the press reports. I desire to ask the gentleman from Kentucky if Major Cresson came before the Committee on Appropriations and offered to testify; and if so, what his testimony in reference to this matter was?

Mr. JOHNSON of Kentucky. Major Cresson did not come before the committee, and as I explained the other day I advocated his coming before the committee, and so did the majority of the committee, and I will say the chairman of the committee refused to execute orders of the committee in some respects, and several times he refused to put to a vote of the committee motions made by members of the committee. Now, I have in my hand an excerpt from a letter written only a few days ago by the chairman of the committee that shows where rests the responsibility for Major Cresson not appearing before the committee. Maj. John A. Peters, who was chairman of that subcommittee, wrote only a few days ago to this effect:

If I had dreamed that any action involving punishment to Major Cresson would follow the proceedings of our committee and as a result from any report from it I certainly never would have denied his repeated requests to me by telegraph to be permitted to be heard.

Who is responsible for his not coming? The very man and his followers undertaking to defend him. If he had appeared before that committee, he would have had to plead and admit his guilt.

Mr. REECE. Will the gentleman permit me to make this statement?

Mr. RANKIN. I will yield for a question if the gentleman wants to ask one, but I can not yield for a speech.

I have not taken much stock in this Bergdoll propaganda that some people have flooded the country with, but it seems to me that if Major Cresson had wanted to prove his innocence it would have been more in line with common reason to have come before this committee than before the officials of the American Legion.

Mr. WURZBACH. Will the gentleman yield? I just want to read one short sentence—

Mr. RANKIN. I must decline to yield.

Mr. WURZBACH. I merely want to put this in the form—

Mr. RANKIN. I do not care to hear matter read.

Mr. MONTAGUE. Will the gentleman yield? What tribunal would convict Major Cresson?

Mr. RANKIN. That is the very point.

Mr. MONTAGUE. Then, what power has this House to convict him?

Mr. RANKIN. This House has the same power over Major Cresson it had over Mr. Chase or any other employee of this Government who violates a trust reposed in him by the United States Government. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. Mr. Chairman, I have made a study of the evidence and two reports of the committee which investigated the Bergdoll escape. I am familiar with the evidence before that committee and its reports. There is one thing on which every member of that committee agreed, and that is the culpability of Maj. (now Col.) John E. Hunt; that he should have been convicted. The testimony warrants his conviction by the court-martial. It can not be reconciled with innocence. Now, in respect to the particular question of Colonel Cresson which is before us, from my examination of this record I believe that Major Cresson was thoroughly justified in everything he did and said before the court-martial. He was not as vigorous in the prosecution of Hunt as he had been in the prosecution of the Bergdolls. Why? Because General Bullard had issued an order criticizing him because of his unusual vigor and zeal in the other trials. Mr. Chairman and gentlemen, I have served as judge advocate and on court-martials and I have appeared for the defense, and I know something of the influence that a commanding officer exerts upon members of the court and officers who conduct trials.

I believe that General Bullard, in writing that letter, felt that he was justified because of the great zeal shown by Major Cresson in conducting the prosecution of the Bergdolls; but I do believe that Major Cresson, though he may have abated his ardor somewhat, conducted this trial of Hunt honestly for the purpose of securing his conviction, and of securing his conviction on the charge of which he was undoubtedly guilty, of gross and inexcusable negligence which permitted this man Bergdoll to escape. The offense was in disregarding the advice and warning of his superiors and in allowing these noncommissioned officers to go out with Bergdoll without a commissioned officer in charge of them and without proper instructions and by denying the handcuffs that were asked for by one of the sergeants to be put on Bergdoll. I do believe this House is justified in withholding an appropriation from every unworthy person. This House in exercising that undoubted power must act wisely and cautiously; and I can not agree that we ought in this instance to withhold the pay of Major Cresson, because I believe he was innocent. [Applause.]

Mr. FROTHINGHAM. Mr. Chairman, just a word from the other side. This is a letter from the chairman of the committee, ex-Congressman Peters, in which he says:

Major Cresson wired me repeatedly asking me to allow him to be heard before the committee; but the committee did not permit him to be heard, for the reason, as I stated, that it was no part of our duty to hear him.

Mr. FITZGERALD. That was the investigating committee, not the Committee on Appropriations?

Mr. FROTHINGHAM. Yes.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. WURZBACH. Mr. Chairman, I ask for a rising vote.

Mr. BLANTON. Mr. Chairman, I will ask for a rising vote.

The CHAIRMAN. That is unknown to the Chair.

Mr. BLANTON. I ask for a division. I think I am right.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 158, noes 10.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For aviation increase to commissioned and warrant officers of the Army, \$1,000,000.

Mr. LAGUARDIA. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York moves to strike out the last word.

Mr. LAGUARDIA. I want to ask the chairman of the committee a question. Is this provision on lines 8 and 9 flying pay for men and officers?

Mr. ANTHONY. It is for aviation increase for commissioned and warrant officers. The word "increase" shows that it is flying pay—an increase over their regular salary.

Mr. LAGUARDIA. Mr. Chairman, I desire to offer an amendment after the word "increase" by inserting the words

"for flying pay," so that there will be no mistake about it. That is on line 8.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Page 9, line 8, after the word "increase" insert the words "for flying pay."

Mr. ANTHONY. Mr. Chairman, I do not think that is necessary.

Mr. LAGUARDIA. I remember in the Sixty-fifth Congress and Sixty-sixth Congress I had the same trouble here. We appropriated money in an appropriation bill, and it did not go to the flying officers. When we increase the pay of flying officers we should see that it is fixed specifically in the law. I do not want it to go to the Artillery or Cavalry officers.

Mr. ANTHONY. This language has been carried for several years, and I do not think the slightest question has ever come up. The item is for flying pay.

Mr. LAGUARDIA. Then I have the gentleman's assurance that the intent is to increase the pay for flying officers?

Mr. ANTHONY. Yes.

Mr. LAGUARDIA. I withdraw the pro forma amendment.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For additional pay to officers for length of service, \$5,374,830.

Mr. BLACK of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLACK of Texas: Page 9, line 11, after the figures "\$5,374,830," strike out the period, insert a colon, and add the following language: "Provided, That nothing contained in section 11 of the act entitled 'An act to increase the efficiency of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service,' approved May 18, 1920, shall be construed as having repealed, amended, or modified the provision contained in the Army appropriation act approved August 24, 1912 (37 Stat. 594), reading as follows: 'That hereafter the service of a cadet who may hereafter be appointed to the United States Military Academy or to the Naval Academy shall not be counted in computing for any purpose the length of service of any officer of the Army.'"

Mr. ANTHONY. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from Kansas reserves a point of order.

Mr. LAGUARDIA. I make the point of order.

Mr. BLACK of Texas. What is the gentleman's point of order? I would like to know what it is.

Mr. LAGUARDIA. It is not germane, and it is legislation changing existing law.

Mr. BLACK of Texas. Mr. Chairman, it is legislation in the sense that it would prevent the repeal of a law enacted by Congress in 1912 by a recent decision of the Court of Claims, but it is legislation that is in order under clause 2 of Rule XXI, known as the Holman rule.

If the Chair will permit, the purpose of this amendment is to cure a situation which has arisen by reason of a decision made by the Court of Claims with reference to Army officers' longevity pay. It is in the nature of the amendment that we adopted to the naval appropriation bill a few days ago. I do not see, in the first place, why the gentleman makes the point of order. It would certainly be illogical for Congress to apply one yardstick to naval officers and refuse to apply it to Army officers.

Mr. LAGUARDIA. The point of order was not raised there?

Mr. BLACK of Texas. No; it was not raised on the naval appropriation bill. Of course it was not. The amendment is not subject to a point of order. But I will proceed to a discussion of the point of order, which the gentleman from New York insists upon. Now, what is the situation? In 1912 Congress, by a provision in the Army appropriation act of that year, provided that service in the Military Academy and the Naval Academy should not be counted as Army service for longevity pay. In 1920 Congress had what is known as the bonus bill, by which temporary salary increases were given to the Army, to the Navy, the Marine Corps, the Coast Guard, and other branches of the service. There was a provision in that bill which the Court of Claims has construed as repealing the provision in the Army appropriation bill of 1912, and for two years—namely, 1920 and 1921—graduates of the Military Academy and graduates of the Naval Academy have had the right to include their four years' term of service in those academies as part of their military service. At least such is the construction of the Court of Claims.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. BLACK of Texas. Yes.

Mr. LAGUARDIA. And the gentleman's amendment would tend to take that right away from them?

Mr. BLACK of Texas. Absolutely, and thereby reduce expenditures and thus bring the amendment within the Holman rule. That is the contention I make.

Now, let us read clause 2 of Rule XXI:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order except such as being germane to the subject matter of the bill shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

Now, as to the germaneness of this amendment, the Chair will observe that this is a provision providing appropriations for additional pay for officers on account of length of service. The very purpose of the amendment I have offered is to prevent their term of service in the Military Academy and in the Naval Academy from counting on their longevity pay. That certainly would be germane.

What is the other purpose? The other purpose is to reduce the compensation of those particular officers by preventing the counting of this period of service in the Military Academy and the Naval Academy—prohibiting the counting of that as a part of their longevity service.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. BLACK of Texas. Yes.

Mr. LAGUARDIA. Does the gentleman contend that his amendment would reduce the salaries of officers under existing law?

Mr. BLACK of Texas. It would certainly reduce the compensation paid to this particular group of officers because it would prevent the counting as a part of their service their four years' service at these academies. I can not see how there could be any question in the world as to its being in order under the Holman rule.

The CHAIRMAN. Does the gentleman from Kansas desire to be heard on the point of order?

Mr. ANTHONY. No.

The CHAIRMAN. The Chair is ready to rule. By the act of August 24, 1912, cadets of the United States Military Academy and of the Naval Academy were not permitted to count, in computing for the purpose of longevity pay, the length of service of such officers in the respective academies. It is contended that by the act approved March 18, 1920, this provision of the act of August 24, 1912, was repealed. The purpose of the amendment is to reenact the provision as contained in the act of August 24, 1912.

It is new legislation, but it necessarily tends to reduce the compensation of persons paid out of the Treasury of the United States, namely, such officers as are entitled to longevity pay and who would be prohibited from adding to the service upon which the longevity pay is based their terms of service in the respective academies at West Point and Annapolis. Therefore the amendment comes clearly within the provision of the Holman rule and is in order. The point of order is overruled.

Mr. BLACK of Texas. Now, Mr. Chairman, I do not think there should be any question at all about the merits of this amendment. It simply applies the same rule to Army officers as we have applied to officers of the Navy. It has been the uniform policy of the House since 1912 to prohibit the counting of this period of service in the Military Academy and in the Naval Academy as a period of service in the Army and in the Navy for the purpose of longevity pay. When we had the naval appropriation bill before the House recently a similar provision was adopted. While the amendment which I have offered is not in the identical language of the amendment offered by the gentleman from South Carolina, because his amendment applied to the Navy and mine applied to the Army, yet in principle they are exactly the same. The reason for the adoption of his amendment was given by the gentleman from South Carolina [Mr. BYRNES] in such a brief and clear manner that I will ask the permission of the House to read his remarks made at the time his amendment was adopted. He said:

The result of the decision of the Court of Claims is that only those officers who were graduated between June 30, 1920, and June 30, 1922, would be affected. In 1922 we passed what is known as the service pay bill. Under that pay bill this provision was made:

"That officers appointed after July 1, 1922, should not count for purposes of pay any other than active commission service."

So that as to those officers graduating after July 1, 1922, this specific prohibition would prevent their benefiting by the decision of the

Court of Claims, but as to those who were graduated prior to that time and after the passage of the bonus bill in 1920, they would receive longevity for the time served at the academy at West Point, and in addition, by reason of the provisions of the pay bill, that group of officers would benefit by having that four years computed in ascertaining the pay period to which they belong. So that for the rest of their service they would receive compensation in excess of that which the Congress intended they should receive.

Without any further argument, Mr. Chairman, I submit the amendment to the House and hope it will be adopted.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas [Mr. BLACK].

The question was taken; and on a division (demanded by Mr. BLACK of Texas) there were—ayes 17, noes 21.

Mr. BLACK of Texas. Mr. Chairman, I demand tellers, and pending that I make the point of no quorum.

The CHAIRMAN. The gentleman from Texas makes the point of no quorum. The Chair will count. [After counting.] One hundred and ten gentlemen are present, a quorum.

Tellers were ordered; and the Chairman appointed as tellers Mr. ANTHONY and Mr. BLACK of Texas.

The committee again divided; and the tellers reported—ayes 54, noes 37.

So the amendment was agreed to.

The Clerk read as follows:

Pay of enlisted men: For pay of enlisted men of the line and staff, not including the Philippine Scouts, \$51,887,415: *Provided*, That the total authorized number of enlisted men, not including the Philippine Scouts, shall be 125,000.

Mr. HULL of Iowa. Mr. Chairman, I move to strike out the last word. Yesterday I said we had a one-year enlistment in the Army. At that time I stated the War Department would not accept a man for one year. This matter has been in controversy for some time. Late last night I was informed that the War Department had received a decision from the Department of Justice upholding in all points the contention I have made that they had no right to refuse to accept a man if he wanted to join the Army for one year. In my opinion this will be a great reform in Army enlistments. A boy can now join, or in a few days will be able to join, the Army if he wants to and take training for one year. At the end of one year if he wants to go out into civilian life again he can do so. If he wants to stay in the Army he can do so and enlist for three years. I rather anticipate that the Army will decry this reform and fill the newspapers with statements that it is going to destroy the Army.

Mr. SHERWOOD. I think the gentleman is right about it. I think he will get a better class of young men into the Army by enlisting them for one year.

Mr. HULL of Iowa. Thank you. It will not destroy the Army. It will help to make the Army. You will always have from 75,000 to 100,000 three-year men in the Army, and that will take care of your foreign service. They will say that you can not send these one-year men to foreign service. You can not, and they should not be sent there. But they can join the Army and get one year's training and then go out, and you will always have in this country an unorganized reserve, and I presume if they will try, by regulations, they can organize and hold these men in the reserve. But what I wanted to call your attention to was that you must not be fooled by statements that the War Department will put out that this will cost a great deal more money and destroy the American Army. It will not. The principle of a short-term enlistment is older than the American Army. It has been indorsed by the best military experts in the world. It is the ideal way of making up your Army—to let a boy go in and stay one year and then if he wants to make a soldier out of himself and reenlist for three years he may do so.

Last summer I was on a boat that had some 500 to 1,000 young men who had been picked up in New York and had not been in the Army two weeks, but they were taking them to the Philippine Islands for three years. In my opinion, that is a tremendous blunder.

I simply wanted to make this statement so that you will understand that in advocating a short-term enlistment I am not trying and have not been trying to hurt the Army. I am trying to have the Army adopt modern methods of enlistment.

Mr. TILLMAN. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, for 40 years, in fact during all of my adult life, I have been a total abstainer from the use of intoxicants. I was a prohibitionist when they hunted them with hounds. Now that prohibition is popular, it is amusing to note how

zealous recent converts are. Over 20 years ago, while circuit judge, I began the first systematic crusade against blind tigers and drink joints in my circuit. I began this crusade in my own town of Fayetteville against the big imposing drug stores—not against the weak little booze peddlers, the obscure joint keepers, elsewhere than in my home town—and poured the lifeblood of these bold and arrogant tigers into the dust of the street.

I made my campaign for Congress 10 years ago on a platform for nation-wide prohibition. I spoke for, voted for, and helped to pass the prohibition amendment, the Volstead Act, and the suffrage amendment.

A WARNING.

I want the American people to know that this fight has just begun, and has not just ended, as some assert. There is to-day, and has been for some time, a powerful organization backed with hundreds of millions to change the Volstead Act so as to allow the sale of wine and beer. Hundreds of bills are now pending in House and Senate for light wine and beer. This organization will have in the field in many districts a liquor man supplied with plenty of money, and will try to elect him by hook or crook. Are we in earnest about what we have been preaching and practicing for years, or will we allow crafty and insinuating wet agents to fool us?

THE WOMEN AWAKE AT LAST.

I am glad our women—God bless them—are waking up to the situation as well as others.

Below are extracts from letters of some of our worthy and watchful Woman's Christian Temperance Unions, who know what is going on secretly, cunningly, quietly. I quote brief extracts from these letters, only one sentence from the first one:

SULPHUR SPRINGS, ARK., March 20, 1924.

Congressman TILLMAN:

The women voters of Arkansas do not want light wine and beer.
Signed by—

CLARA E. SCOTT,
Local President Woman's Christian Temperance
Union, and State Organizer.

Another follows:

SILAM SPRINGS, ARK., March 20, 1924.

DEAR MR. TILLMAN: We the members of the Woman's Christian Temperance Union of Silam Springs, Ark., are registering our protest against all license for light wines and beer. We are a union in one body and mind, fighting together to keep this curse from our young generation. For God's sake help us to wipe it off the face of the earth.

Sincerely yours,

Signed by—

MRS. ELLA BEASLEY,
Corresponding Secretary
(and 129 others).

These women know what is transpiring, covertly as well as in the open, and they have the courage to assert themselves and to fight as they have fought for years.

I have been doing this very thing asked, by precept and example, for many years and I certainly shall continue in the work.

Crafty, sly, and plausible individuals tell us that prohibition is a part of the Constitution; the Volstead Act is on the statute book; that the question is settled and not an issue; that they stand for law enforcement and such, but do they? Let us see whether it is settled.

All Members of the House and Senate received the letter which I print below in the last day or so, and this is one of literally hundreds like it:

[William P. Custard, president. A. L. Bixton, vice president.]

For members in every State—Help reach the 10,000,000 mark.

Dr. A. J. Sabourin, Chairman National Campaign Fund Committee.

Help Our \$5,000,000 Campaign Fund.

The National Liberty League.

[Copyright.]

DON E. DEBOW, National Secretary and Treasurer.
National Headquarters, Omaha, Nebr.

Omaha, Nebr., March 22, 1924.

HON. JOHN N. TILLMAN,

House Office Building, Washington, D. C.

DEAR SIR: You are, of course, well informed as to the change in sentiment regarding prohibition. The majority of the people believed that with the saloon eliminated the prohibition question would be settled and taken out of our State and national politics. It is our be-

lieved that the legislative and judicial branches of our State and Federal Governments have gone beyond what the people intended when they voted for prohibition.

Believing it is your desire to represent the will of the majority, the members of the National Liberty League will expect your whole-hearted support and ask for your cooperation in fighting—

First. For repeal or modification of the Volstead Act, to permit the manufacture and sale of beer and light wine containing not more than 5 per cent and 20 per cent of alcohol by volume, respectively, with revenue derived therefrom to be applied to the reduction of taxes and our national debt.

Second. For the abolishment of the present restrictions placed on physicians in prescribing liquors for medicinal purposes.

Third. Against passing any more prohibition laws until the present are efficiently and impartially enforced.

Fourth. Against appropriations for unsuccessful prohibition bureaus.

Respectfully yours,

THE NATIONAL LIBERTY LEAGUE,
DON E. DEBOW, National Secretary.

This is only one of many such concerns. They want a \$5,000,000 campaign fund, they say on their letterhead.

The liquor contingent has marked me for slaughter many times and is doing so now.

During the campaign of 1920, the last time I had opposition, James Perkins, of Yellville, sent me the unsigned circular printed below, the original of which I have, and which was used by those opposing my election:

TILLMAN AND PROHIBITION:

Regardless of what Congressman TILLMAN has done or not done, the people will not forget his part in securing national prohibition.

It will be remembered that when he made his first race six years ago, he gave good people to understand that if they sent him to Congress the cause of prohibition would have a champion there.

And when the national prohibition fight was on in Congress TILLMAN went over the top with the captains who made prohibition a part of the Constitution.

And after prohibition was made a part of the Constitution, TILLMAN was one of the faithful who never slept on the job until he had helped to pass the Volstead Enforcement Act, which gave the country a prohibition law with teeth in it.

And now, woe unto him who is found making liquor, beer, or wine, or selling it or giving it away or has it about his person or his home.

This law is being enforced by United States agents who are given the right to search and seizure, and many people have been run down and sent to the penitentiary, while society is getting rid of the liquor element and their sympathizers.

William J. Bryan, whose "heart is in the grave" because the Democratic Party refused to indorse national prohibition, has published in his Commoner an honor roll of Congressmen who made the Nation bone dry. In Bryan's roll of honor is the name of TILLMAN of Arkansas.

I am glad that I have the confidence of the prohibition and temperance forces of the State and Nation, as evidenced by two letters which I copy below:

THE ANTI-SALOON LEAGUE OF AMERICA,
LEGAL DEPARTMENT,
Washington, D. C., January 2, 1924.

HON. JOHN N. TILLMAN, M. C.,

House Office Building, Washington, D. C.

DEAR MR. TILLMAN: Congratulations on your assignment to the Judiciary Committee, where you have rendered conspicuous service in the past.

Inasmuch as this committee handles all liquor legislation, it is of great importance to the prohibition cause to have recognized friends, like yourself, who have always been active, sincere, and dependable, assigned to it. Your consistent record and loyal championship whenever any prohibition legislation was pending makes your appointment doubly gratifying to the friends of the eighteenth amendment and its enforcement.

With best wishes for a happy and successful New Year, I am,

Yours cordially,

W. B. WHEELER.

[Dr. A. C. Millar, president. Paul E. Kemper, superintendent.]

THE ANTI-SALOON LEAGUE OF AMERICA,
ARKANSAS DEPARTMENT,
Little Rock, Ark., March 18, 1924.

HON. JOHN N. TILLMAN, M. C.,

House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN TILLMAN: I am writing you with reference to the Cramton bill (H. R. 6645), which is now in the hands of your Committee on the Judiciary of the House. We have quite a little anxiety concerning this particular bill.

Congressman TILLMAN, I, with the great dry constituency in your district, or the State as well, know where you stand, and fully expect that you will do nothing less than your very best in getting this bill from the committee before the House for passage. I am writing you, representing this great dry force, to let you know we are back of you in whatever you do in favor of this bill.

Accept in advance our great appreciation for your loyalty and support in all temperance measures. I am,

Most cordially yours,

PAUL E. KEMPER, Superintendent.

There are other issues pending. I introduced the following bill which I am pressing for passage and which I have reason to believe will pass.

"A bill to establish a fish hatchery" in the third district. The nearby hatcheries at Neosho and Mammoth Spring can not begin to supply fish for our streams. Northwest Arkansas is the garden spot of the Republic, a land of forest and field, orchard and mine, fertile valleys, and sun crowned hills, the Switzerland of America. Her bold springs and clear streams furnish ideal waters to breed and grow game fish. This "land of a thousand smiles" is attracting tourists from every part of the Nation. Help us to prepare for their recreation and entertainment.

I have had pending for some time bills to erect Government post-office buildings in county seats and important towns, and consider it both an economical proposition and a sane expenditure of public money.

Almost daily on this floor members with a large contingent of foreign-born constituents are speaking or voting for measures designed to help foreign nations. I have opposed by speech and vote every gift to foreign nations. I have voted against every measure to forgive or reduce debts due us from Europe. These are debts of honor and every penny, principal and interest, must be paid and now we are asked to vote for House Resolution 180, making a gift to Germany of \$10,000,000 of the money of the American taxpayers for the purposes of relieving alleged distress there. This measure will pass but not by my vote. It is unconstitutional and outrageous to thus vote away money which had better be either not collected or distributed to relieve distress and suffering in our own country.

We are by far too eager, it seems, to neglect America and aid foreigners. I shall vote for the Johnson bill limiting foreign immigration. Let us stop this criminal and indiscriminate admission to our country of the scum of Europe. Keep out the foreigner and let our children and their children alone inherit and enjoy our advantages, our wonderful resources, and our superior civilization. [Applause].

Mr. JAMES. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. JAMES: Page 9, line 14, after the figures "\$51,887,415," insert: "Provided, That the Secretary of War is authorized in his discretion to make payment from this appropriation of the balance of \$12 due as pay to Clarence J. Vaughan, Marquette, Mich."

Mr. ANTHONY. Mr. Chairman, I reserve a point of order in order to give the gentleman from Michigan an opportunity to make a statement.

Mr. JAMES. Mr. Chairman, in December, 1918, Clarence J. Vaughan, of Marquette, Mich., was discharged from the Army. Mr. Vaughan had \$12 due him as pay. The paymaster, Major Durkee, sent him a registered letter inclosing the \$12 in currency. It was sent to him by registered mail, but in a franked Army envelope. At the same time, Major Durkee mailed 4,000 other envelopes, all registered. The young man received the registered envelope, but no money. Mr. Vaughan took the matter up with the War Department, and was told that if he would furnish a bond and two or three bondsmen he could get his money. Mr. Vaughan furnished the necessary bond, and he was then informed by the War Department that seeing that the money was in currency and not a draft, they could not pay him this money, but would try to get it from the Post Office Department, in view of the fact that the letter was registered.

When Mr. Vaughan could not get his money, he wrote me, and I took the matter up with the War Department and was told they would investigate the matter. Finally I received a letter from them stating that the Post Office Department claimed that, seeing the letter was registered in a franked envelope, they were not liable and they would not pay it unless he could get the man who stole the money to admit he stole it,

and during all these five years the young man has been waiting for his money. The War Department wants to pay it; but say they have no authority, and the Post Office Department says they can not pay it.

Mr. REECE. Will the gentleman yield?

Mr. JAMES. I yield.

Mr. REECE. The department admits the liability and admits that they owe this man the money?

Mr. JAMES. They say the Post Office Department should pay it and, as I say, the Post Office Department will not pay it unless the man who stole it admits he stole it.

The following letter from the War Department, dated February 13, 1920, and the inclosed from the Army and Navy Register of May 8, 1920, will be of interest as showing to what extreme "red tape" can go:

FEBRUARY 13, 1920.

HON. W. FRANK JAMES,
House of Representatives.

MY DEAR SIR: Receipt is acknowledged of your memorandum of the 11th instant inclosing copies of letters from the Post Office Department in regard to the loss of money from a registered letter addressed to Mr. Clarence J. Vaughan.

I will have this matter investigated, and see if there is not some way in which the Post Office Department can be forced to acknowledge their full liability in such cases.

Very respectfully,

E. B. HARTLEY,
Major, Q. M. C.

[From the Army and Navy Register, May 8, 1920.]

IN CONGRESS.

LOST, STRAYED, OR STOLEN!

Representative W. FRANK JAMES, of Michigan, on April 16, during consideration of the Army appropriation bill in the House, had the following to say regarding disbursing officers:

"There should be some change in the system by which men who are discharged from the Army are paid. I know of a case where a young man was discharged from the Army on December 12, 1918. The disbursing officer sent him a remittance of \$12 by registered mail, but, as it was sent to the wrong address, it was returned to the sender, Major Durkee. Major Durkee then sent another registered letter to the soldier, Clarence J. Vaughan, at his home at Marquette, Mich. The second registered letter was duly received, but contained no money. Mr. Vaughan took the matter up with Major Durkee and the War Department and explained that the registered letter contained no money, but, receiving no satisfaction, sent all papers to me.

"After some correspondence I was given to understand that if Mr. Vaughan would furnish a bond, with two responsible bondsmen, he would be paid. I was also informed that 'he should also be cautioned' that the instructions attached to the bond of indemnity must be followed absolutely, as the bond, when completed, must be approved by the Treasury Department prior to the payment of the duplicate check."

"Instructions regarding bond were 'followed absolutely,' red tape and all, and bond was executed and forwarded to the War Department on March 1, 1919.

"On July 9, 1919, I was informed by the War Department that they had discovered that the disbursing officer, Major Durkee, had sent 'currency' to Mr. Vaughan instead of a check, and therefore they were not responsible; and stated that the matter would have to be taken up with the Post Office Department. After a good deal of correspondence and conversation with the Post Office Department I was informed that nothing could be done until Major Durkee could be located and interviewed by a post-office inspector. I was also informed that it would be necessary to get an affidavit signed and sworn to by Major Durkee that he had really sent the \$12 in currency.

"Very luckily Major Durkee had not been sent to Siberia to guard some railroad, or to Silesia to oversee some election, or Mr. Vaughan's grandchildren might be paid the money some day.

"Major Durkee was finally located in Texas, and stated that he had sent out thousands of letters and did not remember anything about the one sent to Mr. Vaughan. The Post Office Department said they 'were sorry, but nothing could be done until the affidavit was secured.'

"Under date of January 8, 1920, or about 13 months after Mr. Vaughan had been discharged, I was told, in part: 'I have to state that the case is still under investigation with a view to fixing responsibility for the rifling, if possible, in the event it can be definitely determined that the letter was rifled while in the custody of the Postal Service.'

"As this was as 'clear as mud,' I asked for further information, and I gathered the additional information that about the

only way that they—the Post Office Department—could or would pay was to have the man who stole the money admit that he had stolen it.

"I was also informed that: 'Inasmuch as the letter in question was mailed under cover of an official penalty envelope, without payment of postage, indemnity in this case is not applicable. However, if further investigation results in fixing responsibility for the rifling upon a postal employee, consideration will be given to the matter of attempting recovery of the amount involved from such employee in order that claimant may be reimbursed.'

"In other words, although the registry fee had been paid, the post office stated that they assumed no responsibility, because the envelope was a 'franked' one instead of carrying a 2-cent stamp.

"We then called the attention of the War Department to the matter, and was informed that they had sent out thousands of registered letters in franked envelopes, and it was their contention that the post office was responsible, and they would take the matter up with them at once and advise us.

"This was several months ago, and I presume that there is still a debate between the War Department and the Post Office Department as to whether or not money sent a soldier by registered letter and stolen should be paid to the soldier, and, if so, by what department.

"Mr. Vaughan is not so concerned about the amount as he is about the principle of the thing. I take it for granted that there are many others in the same fix.

"I sincerely hope that before the next war that the War Department will have worked out a system that will be fairer to the soldier, and one that means he will be reimbursed promptly in similar cases."

Mr. Vaughan has waited for over five years for his money. It is very evident that unless the amendment I have offered is agreed to he will never be paid, and I hope there will be no objection to it.

Mr. ANTHONY. Mr. Chairman, I will not make the point of order in view of the gentleman's explanation.

The CHAIRMAN (Mr. TILSON). The question is on the amendment of the gentleman from Michigan.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For aviation increase to enlisted men of the Army, \$250,000: *Provided*, That this appropriation shall not be available for increased pay on flying status to more than 700 enlisted men

Mr. LAGUARDIA. Mr. Chairman, I move to strike out the last word for the purpose of asking a question. What is the service doing now in the way of training enlisted men in flying and why is it necessary to limit the number to 700?

Mr. ANTHONY. The limitation carried heretofore has been 500, as I understand, and the committee has put on a limitation because it found a few years ago that the aviation service was giving extra flying pay to men in the balloon service, and men who simply went up in a fixed balloon, anchored to the ground, for observation purposes, were getting 25 per cent extra, and we thought that was a little strong; consequently this year we limited the number.

Mr. BEGG. Last year it was 600 and this year it is 700.

Mr. ANTHONY. The department said they wanted to move a number of men in machines, and we thought for actual flying they ought to receive this pay.

Mr. LAGUARDIA. I think more enlisted men should be given an opportunity to learn to fly. I think the time is past when it should be limited to officers. I think the men that go up in balloons ought to get flying pay too.

Mr. KVALE. Mr. Chairman, I ask unanimous consent to return to line 16, inasmuch as I have been trying all the time to get recognition.

Mr. ANTHONY. Reserving the right to object—

Mr. KVALE. I want to offer an amendment.

Mr. BEGG. Let us have the amendment reported.

The CHAIRMAN. Without objection, the amendment will be reported.

The Clerk read as follows:

Page 9, line 16, strike out one hundred and twenty-five thousand and insert sixty-two thousand five hundred.

Mr. ANTHONY. Mr. Chairman, I shall have to object.

Mr. OLIVER of New York. Mr. Chairman, let me say to the gentleman from Kansas that after the gentleman from Michigan [Mr. JAMES] rose and presented his amendment, the gentleman from Minnesota presented his amendment immediately and sent it to the Clerk's desk. The amendment of Mr. JAMES was disposed of and thereupon the amendment proposed by the committee was taken up so the gentleman's amendment was shut out.

Mr. ANTHONY. In view of that fact, Mr. Chairman, I will withdraw objection, with the understanding that there will be not more than five minutes occupied in discussing the amendment.

The CHAIRMAN. Is there objection to returning to line 16? There was no objection.

Mr. KVALE. Mr. Chairman and gentlemen of the committee, I have offered this amendment as the only effective way of entering a protest against our large Army and Navy. I spoke somewhat at length on this subject yesterday and will not repeat what I said then. I do not have much hope that there are enough Members here to-day to vote for this amendment. It would be interesting, however, to see how many would be willing to defy the machine and vote for it. But I know that two years from now—and if I am here I am going to offer a similar amendment—that then there will be more Members of this House who will vote for reducing the appropriations for a large Army, appropriations which now are two and a half times as large as they were the year before we started the war to end war.

Mr. VAILE. Will the gentleman yield?

Mr. KVALE. In a moment when I am through. I have only five minutes. I do not believe there are enough Members of this House in favor of it to pass the Ramseyer joint resolution to take the profits out of war and conscript wealth. But two years from now there will be more in favor of that resolution, and four years from now there will be more women Members of the House, some women who are mothers. And when you put it up to the mothers of the Nation to vote on war appropriations you will find out where the large Army and the Navy will be going to. Then, my friends and gentlemen of the committee, I say you will find us going back to the time when appropriations were not half of what they are now. The mothers who have boys, like the mother of my six sons, are willing to sacrifice every one on the altar of our country if it is in danger, in real danger; but these mothers feel and know that their boys are a little bit too good to have their bodies rot and their bones bleach on foreign soil to save J. Pierpont Morgan's coupons. [Applause.]

Mr. VAILE. Will the gentleman yield?

Mr. KVALE. Yes; I will yield to the gentleman.

Mr. VAILE. Does the gentleman think that 62,500 should be the maximum number, or would he be in favor of a further reduction?

Mr. KVALE. After a while I would, but I thought 62,500 was all I could hope for now.

Mr. VAILE. Will the gentleman state what he thinks the total number of men in the Army should be, or whether there should be any Army.

Mr. KVALE. Oh, I want an Army for police purposes. I would like to have an appropriation for about what we had before we had the war to end war, \$105,000,000, instead of \$254,000,000 as now proposed.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Minnesota.

The question was taken, and the amendment was rejected.

Mr. BLACK of Texas. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 9, line 14—

The CHAIRMAN. The Clerk informs the Chair that that paragraph has been passed.

Mr. BLACK of Texas. May I make this statement, Mr. Chairman, and then I will ask unanimous consent to return? I had this amendment prepared intending to offer it, and the gentleman from Minnesota was seeking prior recognition. I intended to offer my amendment after his had been voted upon. The committee proceeded to read. I do not wish to discuss it, but I ask unanimous consent that it may be offered and voted upon.

The CHAIRMAN. Without objection, the amendment will be read for information.

The Clerk read as follows:

Page 9, line 14, strike out the figures "\$31,887,415" and insert in lieu thereof "\$41,887,415"; and in line 16, after the word "hundred," strike out the words "and twenty-five."

Mr. BLACK of Texas. Mr. Chairman, I ask unanimous consent that the amendment may be submitted and voted on.

Mr. ANTHONY. Mr. Chairman, I have no objection.

The CHAIRMAN. No objection being heard, the question is on the amendment offered by the gentleman from Texas.

The amendment was rejected.

The Clerk read as follows:

Pay of persons with retired status: For pay of the officers on the retired list, \$7,032,337: *Provided*, That no part of this sum shall be paid to Col. John E. Hunt, United States Army, retired.

Mr. DICKINSON of Iowa. Mr. Chairman, I make the point of order to the words of the proviso beginning on line 2, page 10—

Provided, That no part of this sum shall be paid to Col. John E. Hunt, United States Army, retired.

I make the point of order upon the ground that the same is legislation on an appropriation bill, and is not germane.

Mr. JOHNSON of Kentucky. Mr. Chairman, it seems so plain that this is a limitation that it does not seem to me to be necessary to make any argument in respect to it.

The CHAIRMAN. It seems so to the Chair, but the Chair will be glad to hear the gentleman from Iowa.

Mr. DICKINSON of Iowa. Mr. Chairman, in the opinion of the Chair rendered this morning stress was laid upon the matter of the principle of limitation. It is my contention that a limitation can not in effect repeal existing law. Under the present existing law it is the duty of the proper officials of the Government to pay to Colonel Hunt the retired pay of a colonel under the pay bill of the Army. That is entirely an executive function. In effect, this proviso repeals that law in that it deprives Colonel Hunt of his pay in this appropriation bill. It interferes with an executive function. That being the case, it is my contention that this goes beyond the scope of a proper limitation. It does not involve a policy; it goes to an individual. For that reason it is not a proper limitation on an appropriation bill.

Mr. BEGG. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON of Iowa. Yes.

Mr. BEGG. Suppose the provision is carried into law, can not Colonel Hunt under the law to which the gentleman refers go into the Court of Claims and get judgment for his pay?

Mr. DICKINSON of Iowa. Absolutely. He could go to the Court of Claims and have a decision rendered and receive his pay. Therefore, what we are seeking to do is simply to make him a lot of trouble with respect to receiving his pay. It is an interference with an executive function, and I do not believe it is allowable under the rules of this House. I think it is not a proper limitation on an appropriation bill.

The CHAIRMAN. If the gentleman's argument were addressed to the merits of the question, what the gentleman from Iowa had said would be persuasive, but it has been pretty thoroughly established that Congress may refuse to appropriate for a perfectly legitimate purpose.

Mr. JOHNSON of Kentucky. This comes under the Holman rule.

The CHAIRMAN. In the mind of the Chair it is purely a limitation. It does not restrict the discretion of any executive officer. It simply declines to appropriate for a perfectly legal object. The Chair overrules the point of order.

Mr. LAGUARDIA. Mr. Chairman, I have an amendment, which I have sent to the desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. LAGUARDIA: Page 10, line 2, after the figures "\$7,032,337," strike out all of the balance of line 2 and all of lines 3 and 4, and, further, on line 2, insert a period in place of the colon.

Mr. LAGUARDIA. Mr. Chairman, a few moments ago Major Cresson had various gentlemen here who defended him. I now rise to strike out the proviso relating to Colonel Hunt. I happen to know Colonel Hunt. He was the senior officer and the commanding officer on the ship on which I crossed in August, 1917. While it would cause Colonel Hunt a great deal of hardship if we were to defeat my amendment, I say that you have hurt Colonel Hunt more to-day than if you had taken his pension away from him, because there is no greater insult which can be heaped upon the head of an American officer than to call him a traitor. Colonel Hunt is not a traitor to his country. [Applause.] Colonel Hunt may have exercised bad judgment. It was pointed out here that he permitted this prisoner to go without handcuffs; but all gentlemen know that if Colonel Hunt or any other Army officer would put handcuffs on a prisoner while on a train or traveling, there would be 20 or 30 gentlemen on the floor of this House protesting against the brutality of that officer. We are simply making it hard for an officer of the Army to perform his duty.

I had opportunity to observe Colonel Hunt in crossing. We embarked at New York and went to Halifax and from there we crossed over to Liverpool. We had about 2,500 troops aboard. He was in command of a battalion of the Ninth Infantry. He

performed his duties intelligently and well. He was raised in the American Army. His father was a graduate of West Point. He could not get his boy into West Point, but the boy enlisted and worked his way up and got his commission. After 30 years of service, I think it is not fair, it is unjust, to brand an officer as a traitor because he was guilty of using bad judgment, and in the actual desertion he had no personal contact with the prisoner at the time.

Mr. McKENZIE. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. McKENZIE. I am not here to defend Colonel Hunt at all, but I ask the gentleman from New York if Colonel Hunt was not simply a subordinate officer, carrying out the orders of his superior, so far as this prisoner was concerned?

Mr. LAGUARDIA. Certainly. We have so hamstrung Army officers with laws and rules and regulations that they have to look up the CONGRESSIONAL RECORD every time they order squads right or squads left. If we would stop running the Army and legislate for them and give these officers a decent salary instead of taking four measly years from their longevity pay, as we voted to do a few moments ago, perhaps we could get somewhere.

As a former Army officer, I protest against the insinuations of disloyalty with respect to Colonel Hunt. His record up to this unfortunate incident was a good military record of a brave soldier, and I hope that the gentlemen of the House will extend to him the same fair consideration that they extended to Major Cresson, and will vote out the proviso in this paragraph which we have no right to insert, which can not permanently take the pay away from Colonel Hunt, but is simply an insult to the colonel.

Mr. HILL of Maryland. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. HILL of Maryland. I want to say to the gentleman, and I agree with everything that he has said, that I do not know whether I know Colonel Hunt or not. Until I heard the gentleman's remarks I thought I did not know Colonel Hunt, but I am inclined to think that I served with him when he was in the Ninth Infantry on the Texas border.

But that makes no difference, nor does it make any difference what Colonel Hunt or anybody else was guilty of; this House ought not to pass laws of this kind.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JOHNSON of Kentucky. Mr. Chairman, the House has just been informed that it is all wrong and brutal to handcuff a man who betrayed his country and is under a sentence to the penitentiary. The further statement has been made that Colonel Hunt had a splendid war record. I have in my hand a report from the War Department which gives the court-martial trial to which reference has been made, and three other times Colonel Hunt was court-martialed. He was court-martialed for appearing upon the judicial stand while drunk and trying another man who was being court-martialed. For that offense he was found guilty, and the verdict was that he should be dismissed from the Army. Appeal was made to Mr. Taft, who was then President, and he pardoned him and reduced him 50 files, but he pardoned him only on the promise that he would hereafter remain sober. But he violated that promise made to the good-natured President, and afterwards was court-martialed for being drunk. Five men on the committee which investigated the trial of Hunt—where beyond all sort of question he was whitewashed—the five on that committee reported him guilty. Five specifications were against him. He admitted three and the other two were proven. It is suggested that he was acting under superior orders in his dereliction. He was ordered by the War Department here at Washington to handcuff that man, Bergdoll, and when the guard started to leave the prison at Governors Island with him and asked for handcuffs Hunt refused them. Hunt was told by the War Department that Bergdoll should not be released to go on the gold-hunting journey without a commissioned officer accompanying the expedition. Hunt defied that, and Bergdoll went off without a commissioned officer. Hunt was furthermore directed from headquarters not to let that expedition start until at least one of the attorneys for Bergdoll accompanied him, because the Government had the promise of Bergdoll's attorneys that they would see that he was returned to his prison quarters.

The proof was made that this little guard of two corporals had Bergdoll in charge after he had been turned over to Bergdoll's attorney, and then to Bergdoll's foster father in Bergdoll's own residence in Philadelphia. Then they rode about the country in the afternoon in an automobile, then they went to the theater at night, and upon their return from the theater

the proof is beyond dispute that they stopped at a barroom, but the prosecutor, Cresson, stopped the witness and would not let him testify to that effect and said, "Jump over that until next day."

Mr. LAGUARDIA. Will the gentleman yield?

Mr. JOHNSON of Kentucky. I hope the gentleman will not take up my time.

Mr. LAGUARDIA. The gentleman can get more time—

Mr. JOHNSON of Kentucky. We are proceeding under the gag rule.

Mr. LAGUARDIA. But the negligence and inefficiency of the soldiers should not be placed against Colonel Hunt.

Mr. JOHNSON of Kentucky. They were selected by him because of their inefficiency and because of their lack of qualifications. The whole committee of five reported this fellow guilty and the majority think that the people ought not to be taxed to pay him \$10 a day for the rest of his life.

Mr. LAGUARDIA. But he is entitled to it as a matter of law.

Mr. JOHNSON of Kentucky. The minority report made by Mr. Peters and Mr. McArthur also reported him guilty. He was guilty from every standpoint. But it is apparent that white-wash is to be used once more and that this man will not receive punishment from the people whose flag he has betrayed.

The CHAIRMAN. The time of the gentleman has expired.

Mr. NEWTON of Minnesota. Mr. Chairman and gentlemen, I recall something of the testimony taken in the Bergdoll investigation, and the two reports which were made to the House—the majority report by the gentleman from Kentucky, as I recall it [Mr. JOHNSON], and the minority report. I also recall that from my reading of that report I did not form a very high regard for the way in which Colonel Hunt discharged the duties which were imposed upon him in reference to Bergdoll and his tour, if you care to call it that. That is one proposition, and for his conduct in reference to that Colonel Hunt was brought before the only kind of official tribunal before whom he could be brought, an Army court-martial, to ascertain if he was guilty in law of the charges preferred. That Army court-martial, after a hearing of the evidence in the case, acquitted Colonel Hunt, not of misjudgment, but of being guilty of the specifications that were charged against him. Now then, I am even willing to admit that the court-martial verdict was wrong in each and every instance where they failed to find him guilty, but I am not willing to say that because a certain court-martial or a certain tribunal made a mistake the House of Representatives ought to revolutionize its own history and violate every principle of Anglo-Saxon jurisprudence and pass what is in fact a bill of attainder, as was so well pointed out by the gentleman from Virginia [Mr. TUCKER]. So then, admitting for the purpose of argument everything that the gentleman from Kentucky has said, yet it seems to me that we here in this House can not countenance any such thing as to deprive an officer of his pay in this manner. I do not know Hunt. But I am not willing to commit an injustice. This man's pay is a matter of contract. We are asked to take action depriving him of it when the only tribunal which could lawfully do so has found him not guilty. The motion to strike out should be adopted.

Mr. ANTHONY. If the gentleman will yield just for a moment, I would like to prefer a unanimous-consent request, that debate on this amendment be limited to 25 minutes in addition to the time that has already been occupied.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent that debate on this paragraph and all amendments thereto be limited to 25 minutes. Is there objection?

Mr. HOWARD of Nebraska. I object.

The CHAIRMAN. Objection is heard.

Mr. MAGEE of New York. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York moves to strike out the last word.

Mr. BANKHEAD. Mr. Chairman, under the rules is the debate exhausted on the pending amendment?

The CHAIRMAN. Yes.

Mr. BANKHEAD. I call for the regular order.

The CHAIRMAN. The regular order is called for. We are proceeding under unanimous consent. The gentleman from New York moved to strike out the last word.

Mr. MAGEE of New York. Mr. Chairman, I want to say a word in favor of the amendment. I do not know Colonel Hunt. I have talked with persons who do know him, and uniformly they have spoken of him in the highest terms. But it seems to me that we have involved in this provision of the bill a fundamental principle, and I want to put this question to the Members of the House: What has become of the fundamental

right of an American citizen charged with a crime to be presumed innocent until found guilty? [Applause.]

Are we to displace this right by the promulgation of a new doctrine, that a citizen charged with a crime shall be deemed guilty until found innocent? Or by a modification of that doctrine, as is attempted here, that an American citizen charged with a crime shall be deemed guilty even after a duly constituted tribunal has found him innocent?

It seems to me that there must be some limit here in accordance with the constitutional rights of an American citizen.

Mr. DYER. Mr. Chairman, will the gentleman yield there?

Mr. MAGEE of New York. No. I have only two minutes, and I respectfully decline to yield. I want to speak only a word, and I am speaking it because I think there is that fundamental principle involved that we can not overlook. [Applause.]

It has been suggested here that perhaps Colonel Hunt was guilty. I say that he was not guilty. Who can say that perhaps he was guilty when he was tried by a court-martial and acquitted? I do not know what evidence was presented, but I do know General Bullard. I know that no finer officer ever wore the uniform of Uncle Sam. [Applause.] He is a man of the highest ideals. No one would think of questioning his integrity. I understand that General Bullard approved the findings, and you can bet your bottom dollar that General Bullard would not have approved them unless the findings of that court-martial were in accordance with the evidence presented.

It seems to me that we owe something to ourselves here. If an American citizen has any constitutional rights to-day, let us stand up and defend them. [Applause.] I have reached the point, I want to say to the House and to the country, when I am heartily sick and tired of the assassination of character by insinuation, by rumor, and by suspicion. Let us maintain the dignity of the House; let us maintain the great traditions of the House of Representatives; and let us not do anything that will impair the constitutional rights of an American citizen. [Applause.]

Mr. BUCHANAN rose.

Mr. ANTHONY. Regular order, Mr. Chairman.

Mr. ROGERS of Massachusetts. Mr. Chairman, I rise in opposition to the pro forma amendment.

The CHAIRMAN. The gentleman from Massachusetts is recognized.

Mr. GARRETT of Texas. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GARRETT of Texas. The gentleman from Texas [Mr. BUCHANAN] is modest, and he has been quite a while trying to obtain the floor.

The CHAIRMAN. The Chair had not observed the gentleman from Texas on his feet.

Mr. ROGERS of Massachusetts. Mr. Chairman, when these two questions, which are alike in character, were pending, I wrote to the Secretary of War in an effort to ascertain his viewpoint as to the questions of facts and the principles involved. I have already read to the House one-half of his reply. I want now, in connection with the pending amendment, to read the other half of his letter. The Secretary of War says:

Colonel Hunt was tried in 1920 by a tribunal established by law—

Our law, gentlemen—

a general court-martial appointed by Maj. Gen. R. L. Bullard—on charges which in substance alleged carelessness and neglect of duty resulting in the escape from confinement of Grover Cleveland Bergdoll, a convicted deserter from the Army. The court acquitted Colonel Hunt, and the acquittal was approved by General Bullard (G. C. M. O. 476), Eastern Department, August 4, 1920.

After that acquittal further criminal proceedings against Colonel Hunt upon the charges passed upon by the court-martial before which he was tried became legally impossible. This finality is in accord with established administrative judicial rules (sec. 1, G. O. 88, War Department, 1919), with a military judicial rule prescribed by Congress (art. 40, ch. 2, act of June 4, 1920, 41 Stat. 795), and with the principles of the Constitution (Amendment V). Colonel Hunt was tried and acquitted by a competent tribunal establishment pursuant to law—

Our law—

for the trial of alleged military offenders. To disregard the findings of that tribunal and to proceed to punish Colonel Hunt for alleged offenses of which he has been legally acquitted would, it seems to me, be a departure from one of the fundamental principles upon which our administration of justice is based.

The act of June 4, 1920, by article 40, chapter 2, provides, in part—

No person shall, without his consent, be tried a second time for the same offense.

That was the viewpoint of Congress in passing that law of 1920. In effect, gentlemen, the language carried in the pending bill is, without trial, to convict this man of the same offense of which he has already been acquitted under the rules and regulations and procedure established by us. It is putting the man in jeopardy for his life and for his property a second time. The Congress of the United States, in my judgment, can not afford to take that position. I hope that the amendment of the gentleman will prevail. [Applause.]

The CHAIRMAN. The gentleman from Texas [Mr. BUCHANAN], a member of the committee, is recognized.

Mr. ANTHONY. Mr. Chairman, I ask unanimous consent that debate on this paragraph and all amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent that debate on this paragraph and all amendments thereto close in five minutes. Is there objection?

Mr. HOWARD of Nebraska. I object.

The CHAIRMAN. Objection is heard.

Mr. ANTHONY. Mr. Chairman, I move that all debate on this paragraph and all amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from Kansas moves that the debate on this paragraph and all amendments thereto close in five minutes. The question is on agreeing to that motion.

The motion was agreed to.

The CHAIRMAN. The gentleman from Texas [Mr. BUCHANAN], a member of the committee, is recognized.

Mr. BUCHANAN. Mr. Chairman and gentlemen of the House, you have heard my friend from New York, a member of the Committee on Appropriations [Mr. MAGEE], talk about the constitutional rights and constitutional guaranties.

You have heard talk about a man being twice put in jeopardy, but talk about constitutional rights and about a man being twice put in jeopardy has absolutely no application to this case. We are not seeking to punish Colonel Hunt a second time, nor are we seeking to try him a second time for this offense. We are trying to say in a legislative way that this Government will not continue to pay him his retired annual salary when he has proved recreant to his every duty in this case.

You say he has twice been put in jeopardy. What does jeopardy mean? It means jeopardy of life and liberty and has no reference whatever to the salary a man might get in the future.

Let us look at a few of the facts. Colonel Hunt was court-martialed, and it is true he was cleared. He was cleared after acknowledging his guilt under three of the counts of the bill of particulars, and he was proven guilty under the other two.

The gentleman from New York [Mr. MAGEE] asks whether we did not have a tribunal try Colonel Hunt. Yes; the military authorities tried him by court-martial and cleared him. Then this House appointed a legally constituted tribunal to investigate him and report back to this House. That tribunal spent \$5,000 or \$6,000 in that investigation. That committee of five, composed of your associates—men in whom you and the Speaker, who appointed them, had confidence—sent for witnesses from all over this country. They heard the testimony; they went into it carefully, and they brought back a minority and majority report, but both reports in unmeasured terms condemned Colonel Hunt.

Has he been tried? Why did you appoint your committee if you were not going to act upon its report and if you were not going to consider it and accept it?

Let us see what some of the conditions were. Bergdoll was subject to the draft; he was 25 years old, a single man, a multimillionaire, and of robust physical stature and health. He evaded the draft and dodged the officers of our country for over a year and a half and until the war was over. After he was apprehended he was handcuffed and sent to Governor's Island and put in charge of Colonel Hunt. While he was in Colonel Hunt's charge Army officers and police authorities sent Colonel Hunt warning as to the desperate character of this man Bergdoll and stated to him that he was likely to attempt to escape. Let me read one of those warnings. This warning came from William Weigel, colonel, General Staff, and reads:

1. Attention is directed to letter from the department adjutant dated January 20, 1920, addressed to you and relating to Grover C. Bergdoll.

2. In addition to the precautions directed in the letter referred to above, the department commander directs that at all times when

Bergdoll leaves the walls of Castle William he be guarded by two armed sentinels. Whenever Bergdoll in his present status leaves the island, the commanding general directs that he be handcuffed to one sentinel and guarded by another sentinel. The dangerous character of this prisoner has been reported by the police authorities of Philadelphia, who are in a position to know the amount of force which is probably necessary for his restraint, and this direction is made because of the information gained from these experienced police officials.

That is the character of warning which Colonel Hunt had when he was in charge of Bergdoll. What was Colonel Hunt's reply to those warnings? What did he say to the committee and to the court-martial? He said that such warnings as that had about as much weight with him as a communication issued by the mayor of Timbuctoo. He refused to permit Bergdoll to be handcuffed on the gold-hunting expedition, and even refused to permit the guard to carry handcuffs with them, saying Bergdoll was a model prisoner and would not escape.

Talk about a model officer, an officer who has three times been tried for drunkenness, and on one occasion dismissed from the service.

Oh, that is not all. He appointed a guard. He was directed to appoint a suitable guard, a proper guard; but whom did he appoint? He appointed one O'Hara—

Mr. WAINWRIGHT. Will the gentleman yield?

Mr. BUCHANAN. I will yield for a question.

Mr. WAINWRIGHT. Will the gentleman permit to go in the Record, in his remarks, the record of gallantry of this officer at El Caney and in the Philippine insurrection?

Mr. BUCHANAN. What has the gallantry of this officer in the past to do with the present situation? Benedict Arnold was a gallant officer before he betrayed his country. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. All time has expired. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. JOHNSON of Kentucky) there were—ayes 47, noes 21.

So the amendment was agreed to.

Mr. LA GUARDIA. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the Record.

The CHAIRMAN. The gentleman from New York asks unanimous consent to revise and extend his remarks in the Record. Is there objection?

Mr. JOHNSON of Kentucky. I object.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FINANCE SERVICE.

For compensation of clerks and other employees of the Finance Department, \$1,454,000: *Provided*, That \$500,000 of this amount shall be available only for the compensation and traveling expenses of clerks and other employees engaged on work pertaining to the audit of World War contracts, and of this amount not to exceed \$25,000 shall be available for personal services in the office of the Chief of Finance, War Department.

Mr. TAYLOR of West Virginia. Mr. Chairman, I move to strike out the last word. I do this for the purpose of asking a question of the gentleman who is in charge of this bill. It is evident that this department needs more money or less money. Its clerical force may be so limited as to cause vexatious delays in the payment of Army bills, or it may be so large that there are needless delays caused by unnecessary duplication. I am led to these observations by the fact that a coal company in my country some time last November sold about 300 tons of coal to the War Department and so far has been unable to collect the money that is justly due it. It seems that this coal company is up against all the red tape that hedges the Finance Department of the Army. This company has written numerous letters to the department and has had me to intercede for it, but as yet we have been unable to get any report as to when this company may expect its money for the coal furnished.

Mr. ANTHONY. The money with which to pay for that coal would not be carried in this paragraph, I will say to the gentleman; but I know of no reason whatever why the company of which the gentleman speaks should not have received its money long before this, if there was no trouble about the contract, because the War Department is supposed to be almost current in the payment of its obligations. That was one of the purposes for the creation of the Finance Service, namely, so that the Government could pay promptly and take advantage of the discounts which prevail in commercial sales.

Mr. TAYLOR of West Virginia. I understand, of course, that the money appropriated by this paragraph would not be used

for the payment of coal bills, but it will be used to pay clerks and accountants whose duty it is to see that bills are promptly paid. I understand that quite recently one of the departments—I believe it was the Interior Department—advertised for bids on 400 tons of bituminous coal, and while there are hundreds of companies in my district that could have furnished this coal, less than 10 of them submitted bids because of the fact that they find it so difficult to collect their money, owing to red-tape requirements. In view of the fact that my district produces the finest bituminous coal in the world and sells it at a reasonable price, I think the War Department and every other governmental agency ought to pay its bills promptly so as to get bids submitted on coal of such excellent quality. If coal companies furnishing coal to the Government are compelled to wait weeks and months for the payment of their invoices, it naturally discourages such commerce and at the same time has a tendency to limit the field of legitimate bidders, and eventually compels the department to pay a higher price for coal. I submit that such dilatory payment is unfair and unjust to the coal companies that submit bids for the furnishing of coal, and in their defense I call attention to and resent such a dilatory way of doing business.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn.

The Clerk read as follows:

Army transportation: For transportation of the Army and its supplies, including retired enlisted men when ordered to active duty; of authorized baggage, including that of retired officers, warrant officers, and enlisted men when ordered to active duty and upon relief therefrom, and including packing and crating; of recruits and recruiting parties; of applicants for enlistment between recruiting stations and recruiting depots; of necessary agents and other employees, including per diem allowances in lieu of subsistence, not exceeding \$4 for those authorized to receive the per diem allowances; of dependents of officers and enlisted men as provided by law; of discharged prisoners, and persons discharged from St. Elizabeths Hospital after transfer thereto from the military service, to their homes (or elsewhere as they may elect): *Provided*, That the cost in each case shall not be greater than to the place of last enlistment; of horse equipment; and of funds for the Army; for the operation and repair of boats and other vessels; for wharfage tolls, and ferriages; for drayage and cartage; for the purchase, hire, operation, maintenance, and repair of harness, wagons, carts, drays, other vehicles, and horse-drawn passenger-carrying vehicles, required for the transportation of troops and supplies and for official military and garrison purposes; for purchase and hire of draft and pack animals, including replacement of unserviceable animals; for travel allowances to officers and enlisted men on discharge; to officers of National Guard on discharge from Federal service as prescribed in the act of March 2, 1901; to enlisted men of National Guard on discharge from Federal service, as prescribed in amendatory act of September 22, 1922; and to members of the National Guard who have been mustered into Federal service and discharged on account of physical disability; in all, \$16,400,000: *Provided*, That hereafter payment shall be made at such rates as the Secretary of War shall deem just and reasonable and shall not exceed 50 per cent of the full amount of compensation, computed on the basis of the tariff or lower special rates for like transportation performed for the public at large, for the transportation of property or troops of the United States over any railroad which under land-grant acts was aided in its construction by a grant of land on condition that said railroad shall be and remain a public highway for the use of the United States, and for which adjustment of compensation is required in accordance with decisions of the Supreme Court construing such land-grant acts, or over any railroad which was aided in its construction by a grant of land on condition that such railroad should be a post route and military road, subject to such regulations as Congress may impose restricting the charge for such Government transportation, and such payment shall be accepted as in full for all demands for such service.

Mr. REECE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. REECE: Page 22, line 17, after the word "all," strike out the figures "\$16,400,000" and insert: "\$16,395,000: *Provided*, That the Secretary of War be, and he is hereby, directed and authorized to transfer to the Department of Agriculture for use in improvement of highways and roads the following war materials, equipment, and machinery out of the reserve stocks, to wit, 1,500 5-ton caterpillar tractors with tools and spare parts, 5,000 motor trucks of 1 to 5 ton capacity, and 500 ordnance mobile machine-shop trucks with tools and spare parts."

Mr. DICKINSON of Iowa. Mr. Chairman, I make a point of order on the amendment.

The CHAIRMAN. What is the gentleman's point of order? Mr. DICKINSON of Iowa. That the same is legislation on an appropriation bill and does not come within the Holman rule.

Mr. REECE. Mr. Chairman, after submitting the amendment to a different section of the bill on yesterday and, as I understood, it was ruled out of order because of the fact that it was held that none of the disbursements in the upkeep of this material was made under the item to which the amendment was offered on yesterday, I have since then talked with the Director of Finance or with his office, and I am informed that part of this expense is paid out of this item in the bill.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. REECE. Yes.

Mr. MADDEN. Is the gentleman talking now about the bill or the point of order?

Mr. REECE. I am talking about the point of order.

Mr. MADDEN. I just wanted to ask the gentleman whether the War Department had declared the items surplus that he is trying to transfer.

Mr. REECE. They are holding them now in surplus or reserve.

Mr. MADDEN. They are not surplus, are they?

Mr. REECE. According to my opinion.

Mr. MADDEN. We can not declare them surplus here.

Mr. REECE. Some of them are held in surplus.

Mr. MADDEN. The items the gentleman refers to have not been declared surplus and ought not to be considered here even if the amendment was in order.

The CHAIRMAN. Does the gentleman wish to be heard on the point of order?

Mr. DICKINSON of Iowa. Mr. Chairman, it was my understanding that in order to make a transfer of this kind you had to do it in accordance with existing legislation and under the existing law, unless an item has been declared surplus by the Army, you have to have special legislation in order to make the transfer. There is no showing here that there is any surplus of any of this equipment, so far as I know, and I was of the opinion that the testimony before the Military Affairs Committee confirmed the view that this is not surplus at the present time in the view of the Army. Unless it is surplus, if we should transfer it under this proviso of the bill, we would be transferring it in violation of the existing law, and for that reason I think a point of order would lie against the amendment. If the amendment said that the transfer should be made from surplus, then I think it might be admissible under the rule.

Mr. ANTHONY. Mr. Chairman, I gravely doubt whether the amendment would be in order under the Holman rule, because if you transfer these items from the reserve the probabilities are they would have to be replaced, and if you take a portion of these trucks or tractors from the number on hand and transfer them there is no certainty at all that that will reduce the amount of this appropriation, because the entire appropriation could be expended for some other purpose.

The CHAIRMAN. Will the gentleman direct his attention to this point? The amendment of the gentleman from Tennessee actually reduces the appropriation covered by the bill, which is the third provision of the Holman rule. It reduces the amount covered by the bill by \$5,000.

Mr. ANTHONY. Yes; it arbitrarily reduces it by that amount but practically does not reduce it.

The CHAIRMAN. Does the gentleman claim that the legislation proposed in the amendment which follows is not necessary or is not related to the reduction in the appropriation?

Mr. ANTHONY. I would hold that the language of the amendment would constitute new legislation.

The CHAIRMAN. It is new legislation, of course, and the only question is whether or not it comes under the third provision of the Holman rule by reducing the amount of money covered by the bill, which, as a matter of fact, it does.

Mr. ANTHONY. It may technically reduce the amount of money covered by the bill, but if it takes material out of the reserve the probabilities are it will have to be replaced by new material which would be paid for out of the appropriation.

Mr. REECE. Not at all.

The CHAIRMAN. The difficulty with the Chair is the disposition the gentleman's amendment seeks to make of the property. If it disposed of it entirely, so that the maintenance charge would surely and necessarily be reduced, then it would be clear, but whether or not the legislation proposed by the amendment does in effect so dispose of the property or whether or not there will be the same expense to maintain it when transferred to a different department—

Mr. REECE. I should think, Mr. Chairman, there should be no difficulty about that, because it leaves the jurisdiction of the War Department, and, of course, the expense of storage and of upkeep, which must now be necessarily incurred, is going to be done away with.

Mr. JOHNSON of Kentucky. Mr. Chairman, I was wondering, since this amendment would reduce auctioneer's fees, whether or not it would come under the Holman rule as a reduction of expenses.

The CHAIRMAN. Is the gentleman directing a serious parliamentary inquiry to the Chair?

Mr. JOHNSON of Kentucky. Certainly.

The CHAIRMAN. The Chair is not convinced that the gentleman's amendment really makes any retrenchment at all, and, of course, if the reduction in the amount covered by the bill is purely an arbitrary reduction, with no relation to the legislation carried, the Chair would not be able to hold it in order.

Mr. REECE. But, Mr. Chairman, if I may add, the trucks, for instance, referred to in this bill, some of them, are now over at Camp Holabird. Here are some photographs of them. In order to keep the motors in these trucks from jamming with rust, and becoming completely ruined, it is necessary that men be kept on the pay roll to go out and turn over the motors and take care of the trucks. They are being put to no use. When they are transferred to the Department of Agriculture and distributed to the various State highway commissions to be used in road building, then, of course, these employees can be done away with and the money that is paid for storage space for these trucks can be saved.

Mr. WINGO. Will the gentleman yield?

Mr. REECE. I will.

Mr. WINGO. Does the gentleman's amendment provide for the distribution? Does not it provide for the transfer from one department to another? Will it take any less oil to grease it under the Agricultural Department than under the War Department?

Mr. REECE. I think if the gentleman will read the amendment he will find that the material is to be turned over to be used for road building.

Mr. WINGO. But if they are still to be retained, is it not the presumption that if they are used they will take still more oil than it takes to keep them now?

Mr. REECE. No; they will be distributed to the States.

Mr. WINGO. Does the amendment provide for the distribution? Does your amendment compel the distribution, or just make them available for the Agricultural Department? They are now held by the War Department as a reserve, and the gentleman's amendment transfers them to the jurisdiction of the Agricultural Department, making them available for use and distribution or keeping them, as the Agricultural Department may decide.

Mr. ROACH. I think it goes further and directs the distribution to the several States.

Mr. WINGO. I have read the amendment and I did not notice that there was any provision compelling their distribution.

Mr. REECE. There is no question as to the purpose they will be put to.

Mr. WINGO. I think they should be distributed before the spring primaries. [Laughter.]

The CHAIRMAN. The amendment seems to do no more than to transfer the property from one department to another. Therefore it does not appear on the face of it that the legislation would have the effect of reducing or retrenching expenditures, although it does reduce the amount carried in the bill. To be in order it must be such an amendment as to retrench expenditure. There is where the gentleman fails to connect up the legislation.

Mr. REECE. Mr. Chairman, in that case I ask unanimous consent to revise the amendment by adding that they are to be distributed to the various States under the Federal law for assistance in building roads.

Mr. O'CONNOR of Louisiana rose.

The CHAIRMAN. If the gentleman from Tennessee will revise his amendment, he may do so. In the meantime the Chair will sustain the point of order. The paragraph will not be immediately passed, as the gentleman from Louisiana has asked for recognition.

Mr. O'CONNOR of Louisiana. Mr. Chairman, to use a trite expression, necessity is the mother of invention. Ordinarily I would move to extend and revise my remarks and then incorporate the page that I am going to try to read into the Record, but I know that that motion would be objected to, as similar requests have been refused, and therefore I will have to try another tack and ask at the conclusion of these preliminary

remarks that I be permitted to read it. It will be necessary to make a few remarks to introduce it if no objection is offered, hence the following observations. Of course, the financial size of the military bill and the naval bill demonstrates to the satisfaction of thousands of people that even in peace times war establishments are very costly and bear heavily upon the taxpayers of the country. But there are others who see life steadily and surely, and who understand that we must be prepared for the day when war's alarm will sound again throughout the world. The blast of the bugle followed by the cannon's roar may not be heard to-morrow or the next day, but Moloch will order war within the next quarter of a century at the furthest. So in all probability they that demand preparedness are right, and we should take the necessary steps to protect the country and not be found asleep when the dread summons comes again to "fall in and then fall out in the smoke of battle."

Yes, there are vast expenditures being made from a military and naval standpoint; and in all probability the best thing the naval and military authorities can do is to study new methods by which they can and should meet the propaganda that will be urged against them in the next few years, crying aloud persistently and sophistically, with a powerful appeal to big taxpayers, for a reduction of armaments and thereby reduce taxation and ease the burdens upon the people.

The professional propagandist for the reduction of taxation has come into existence. Perhaps he was born of necessity to check and curb what many believed to be a saturnalia of extravagance. But, having been born, he wants to live, and to do so he must justify his existence. Analogously to the man-eating tiger who once having tasted human blood constantly thereafter craves it, the professional propagandist, having been financially requited for his intellectual efforts, will demand more employment and will seek the means and basis to justify it. Look out, therefore, Army and Navy, for a tax-reduction attack which will require your best talent and genius to defeat.

Of course, I understand thoroughly as a desultory student of history that the days of war are not over. From the period beginning 1,500 years before the birth of Christ down to the present time there have been but 237 years of peace, and they were years devoted to the preparation of wars that followed. Historians do not go much further back than 1,500 years before Christ, because they know very well that the period that went back from thence to the sunrise of history was crimsoned with the blood of humanity that reddened the earth and the seas during the many generations that agonized during that long night of despair.

We are not going to escape wars for many centuries to come. The millennium is as far off as ever, and thoughtful men who want to see their country live after they die demand that we adopt measures that will protect our soldiers and the people that must in one way or the other participate in the wars from those things that are necessarily associated with every war and cause more deaths than the fatalities on the field of battle—disease in the lines and behind the lines—and disease can be met by medical science and be defeated by it.

Medicine and her great disciples and handmaidens, sanitation and hygiene, will decide the next great struggle, as all other things will in all probability be equal.

Now, the page that I hope you will permit me to read to you is prepared by a splendid gentleman who has lived long in New Orleans and has endeared himself to her people, Dr. George H. Tichenor by name. I am going to be very frank with you and say that his friends have asked me to put his remarkable paper, entitled "America at the Mercy of Other Nations in Case of War—Need of Standardized and Simplified Medicaments," in the Record. He is a big man from every standpoint, has worked long among our people, and has already won the reward of "Well done, thou good and faithful servant," and I hope you will indulge me and permit me to read into this preliminary address his paper. The language of it is simplicity itself and will appeal to Members. The title is appealing—"America at the Mercy of Other Nations in Case of War—Need of Standardized and Simplified Medicaments." It is an attractive alarm and calls Americans to attention.

Mr. MADDEN. Mr. Chairman, I will interrupt the gentleman long enough to ask if he is talking to the bill.

Mr. O'CONNOR of Louisiana. Oh, yes. This paragraph is with reference to wagons, horses, and every imaginable thing deemed necessary for the purpose of conducting war, and before the proviso is the concluding sentence—"and to members of the National Guard who have been mustered into Federal service and discharged on account of physical disability."

I think that medicaments are related even in a parliamentary way to "discharged on account of physical disability."

Mr. MADDEN. Does the gentleman mean medicine?

Mr. O'CONNOR of Louisiana. The word used here is "medicaments," and I have given the word the proper pronunciation. I looked in the dictionary upon the word, because I thought that somebody like the gentleman from Illinois might probably ask me, of course facetiously, if that were the correct pronunciation, as it is a word that is rarely used, I suppose, outside of medical works and conversation.

Mr. MADDEN. It seems to me that we ought to confine our debate to the bill.

Mr. O'CONNOR of Louisiana. And it seems to me that I am confining it pretty closely to the bill.

Mr. MADDEN. How long is the gentleman going to talk?

Mr. O'CONNOR of Louisiana. Just as long as the Chairman will permit me to do so. I hope the gentleman from Illinois will not make any objection to it. It is only one page, and I would like to get it into the Record.

Mr. MADDEN. I am going to object to anybody talking outside of the bill after this.

Mr. O'CONNOR of Louisiana. But that would indicate that the gentleman thinks that my remarks are irrelevant and I do not agree with him.

Mr. MADDEN. Oh, I know the gentleman never agrees with anybody when he has his mind set on a thing.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. O'CONNOR of Louisiana. Then I shall have to move to strike out something else.

Mr. JAMES. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record on the amendment which I offered some time ago.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to extend his remarks in the Record in the manner indicated. Is there objection?

Mr. O'CONNOR of Louisiana. And, Mr. Chairman, in order to avoid moving to strike out something else, I ask unanimous consent that I may be permitted to finish my remarks by incorporating this one page of matter.

The CHAIRMAN. The gentleman from Louisiana asks unanimous consent to extend his remarks in the Record. Is there objection?

Mr. MADDEN. I have no objection to that.

Mr. JOHNSON of Kentucky. Mr. Chairman, is a unanimous-consent request pending?

The CHAIRMAN. There is not.

Mr. BLANTON. Mr. Chairman, I desire to offer an amendment.

Mr. REECE. Mr. Chairman, I have an amendment pending which I desire to offer.

The CHAIRMAN. An amendment is offered by the gentleman from Tennessee, which the Clerk will report.

Mr. JOHNSON of Kentucky. Mr. Chairman, I thought I heard some one asking unanimous consent, and immediately I appealed to the Chair and he tells me that no such thing has been asked.

Mr. O'CONNOR of Louisiana. I did ask unanimous consent.

Mr. JOHNSON of Kentucky. I thought that two gentlemen asked unanimous consent.

The CHAIRMAN. That is correct, and the request was submitted to the committee, and the Chair heard no objection.

Mr. JOHNSON of Kentucky. Oh, I beg the Chair's pardon. I was on my feet clamoring for recognition in the confusion to ask if there was such a request for the purpose of objecting.

The CHAIRMAN. In the midst of the confusion the Chair did not observe the gentleman from Kentucky. If the gentleman was on his feet, the Chair will put the question again. Is there objection to the request, first, of the gentleman from Michigan to extend his remarks in the Record?

Mr. JOHNSON of Kentucky. I object, Mr. Chairman.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana to extend his remarks in the Record?

Mr. JOHNSON of Kentucky. I object.

Mr. JAMES. This was on an amendment that I offered some time ago. I would say to the gentleman from Kentucky.

Mr. REECE. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. REECE: Page 22, line 17, after the word "all," strike out the figures "\$16,400,000" and insert "\$16,395,000: *Provided*, That the Secretary of War be, and he is hereby, directed and authorized to transfer to the Department of Agriculture, under the provisions of section 7 of the act approved February 28, 1919, entitled 'An act making appropriations for the service of the Post Office Department for the fiscal year 1920, and for other purposes,' and acts amendatory thereto, for use in improvement of highways and roads, the following war materials, equipment, and machinery out of the reserve stocks,

to wit: One thousand five hundred 5-ton caterpillar tractors, with tools and spare parts; 5,000 motor trucks, 1 to 5 ton capacity; and 500 ordnance mobile machine shop trucks, with tools and spare parts."

Mr. ANTHONY. Mr. Chairman, I make the point of order that the amendment of the gentleman changes the existing law. Now, the Secretary of War alone has the power to declare articles surplus in the War Department, and the gentleman would take that power away from the Secretary of War to declare articles surplus.

The CHAIRMAN. The gentleman claims that it is done under the Holman rule, and it reduces expenditure. It does reduce the amount in the bill, but—

Mr. MADDEN. It does, but it does not with any logic.

The CHAIRMAN. It is a question of expenditure—

Mr. ANTHONY. As I said to the Chair before, if he offers an amendment which wipes out the Army supply of motor trucks available in reserve and we have to have more money to buy new ones, it is obviously not a retrenchment but an additional expense.

Mr. REECE. That is what it does not do.

Mr. MADDEN. It does reduce the appropriations, but it does not make the reduction apply to the activities and connect up the legislation with the activities.

Mr. REECE. I do not have the exact amount by which this proposed amendment will reduce expenditures of the War Department, but it will reduce them to a very considerable amount, but in order to be fair to the department, gentlemen of the committee, I made arbitrarily a small reduction. The reduction may be even much greater than that provided for in the bill.

Mr. MADDEN. The gentleman has not any figures upon which he bases his reason for it?

The CHAIRMAN. In order to make an amendment in order under the Holman rule the gentleman must comply with the requirements that it be germane to the subject matter of the bill and shall retrench expenditures in one of three ways, one of which is by a reduction of the amount of money carried in the bill. Now, the gentleman complies with the latter portion, but whether the retrenchment is an actual fact or not is a question.

Mr. GARRETT of Tennessee. Mr. Chairman, I always feel sorry for a Chairman who has to pass on a point of order made under the Holman rule. It is so involved as to make it extremely difficult, probably even more difficult than to pass on the question of germaneness, because germaneness is also involved along with the Holman rule, but I have this general idea about the matter, and that is that where the legislation that is contained in an amendment proposed is offered it must be so connected with the reduction as to be germane to that reduction; and, much as I am in sympathy with the desire of my colleague from Tennessee, I question very much whether the legislation he proposes is germane to the reduction proposed.

The CHAIRMAN. That is the very point that is puzzling the Chair and the Chair has been unable to connect up the two in such a way as to make the amendment in order.

Mr. LONGWORTH. And is it not also a practice, in case an amendment of this sort is offered that apparently reduces the amount in the bill and leaves a doubt whether it is an actual saving, that the burden of proof lies upon the proponent of the amendment to show conclusively that it does effect a reduction?

The CHAIRMAN. Yes; that is what the gentleman is called upon to do under the usual practice of the House.

Mr. REECE. Mr. Chairman, after the amendment was submitted on yesterday and the question was raised that the disbursement made for the upkeep of this surplus material was not made from under the item to which the amendment was offered, I conferred with the office of the Director of Finance and he informed me that disbursements were made from under this section for the upkeep of surplus material; and in conversation I inquired whether disbursements were made for the upkeep of these surplus trucks now over at Camp Holabird, to which I referred a moment ago, and he advised me that such disbursements were made from under this paragraph of the bill, and therefore it seems to me that the two propositions are connected.

The CHAIRMAN. The Chair has tried to follow closely everything the gentleman from Tennessee has said and is still unable to so connect the proposed legislation with the reduction of the appropriation as to bring the legislation under the Holman rule, and therefore sustains the point of order.

The Clerk read as follows:

MILITARY POSTS.

For the construction and enlargement at military posts of such buildings as in the judgment of the Secretary of War may be necessary, including all appurtenances thereto, \$428,332, including \$43,332 for

improving the heating system at Fort Sill, Okla., and \$385,000 toward the construction of a barrack building for one regiment of Infantry at Fort Benning, Ga.

Mr. WRIGHT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Georgia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WRIGHT: Page 25, line 19, after the word "Georgia," strike out the period and add the following: ", and the Secretary of War is hereby authorized to enter into a contract or contracts or otherwise incur obligations of not to exceed \$1,115,000, exclusive of the amount appropriated herein, for the completion of the said barrack building for one regiment of Infantry at Fort Benning, Ga."

Mr. ANTHONY. Mr. Chairman, I reserve a point of order on that.

Mr. WRIGHT. Mr. Chairman and gentlemen of the committee, this amendment is offered in the interest of economy. It happens that this Infantry School of Arms is located in my district. I am very familiar with the situation at the school, and I know the need for this construction.

Now, you will find from the hearings that it is the purpose of the War Department, in its construction program, to build at this place a barrack building which they estimate will cost a million and a half dollars, and that with this \$385,000 which the bill carries it is proposed to construct one side, or simply one unit, of this building in the coming fiscal year, and from time to time they hope to secure appropriations with which the building can be completed. This matter was very thoroughly canvassed in the committee. I will read from the hearings on this subject:

Mr. ANTHONY. It really means that they intend first to embark on the construction of a regimental barrack and only build one-third of it?

Colonel CASEY. Yes; I will explain, sir. There is a well-defined study, which has been thoroughly made by the Secretary of War's office in conjunction with the Quartermaster General's office, and it is my impression that the Secretary intends to submit that as the housing program for the Army at large. This program will contain a progressive construction scheme, and in which each building to be built and each post to be improved will be provided for in this study.

The first item that the War Department desires to present and the one that is considered the most necessary is the barrack building at Fort Benning. This is to be a building, when finished, for one regiment of 2,110 men, and with the amount of money that we are allowed this year for new construction we propose to build as much of that barrack building as we can get for the money. It will provide for about 550 men. We may get a little bit more.

Further on Mr. ANTHONY says:

Mr. ANTHONY. Do you not think it would be economy to ask for bids for the entire construction rather than to ask for bids for one-third of it?

Colonel CASEY. Personally I think it would, sir; but we are only allotted \$385,000.

Mr. ANTHONY. If we are going ahead on the building project there and it is made for regimental construction, why not take that under consideration?

Colonel CASEY. It would be economy to put it all up at once, undoubtedly.

Mr. JOHNSON. So that is to be a permanent camp, is it?

Colonel CASEY. Yes; it is the Infantry School.

Mr. JOHNSON. Is it advisable to take so many bites in the cherry? Why not go ahead and build the thing?

Colonel CASEY. We would gladly do it, sir.

Mr. JOHNSON. Well, Congress can do it if it can get sufficient reasons to warrant its doing so.

General BELLINGER. The Budget officer does not think we should spend so much money per year.

Mr. JOHNSON. Congress might think otherwise.

General BELLINGER. That is it. We are perfectly willing.

Colonel CASEY. Of course, we can see that it is much more economical.

Mr. JOHNSON. How much more economical do you think it would be to build the whole thing at once instead of biting at it?

Colonel CASEY. I can insert the accurate figures in the record. It will save more than the money, sir. It will save the use of the buildings, and it will afford an opportunity for the training of the men.

Mr. JOHNSON. It is your opinion, then, that it is false economy to do that building on the installment plan?

Colonel CASEY. That is my opinion; yes, sir.

Then he was asked for some figures on the estimated cost that would be saved if the entire building were let out at contract at one time. Colonel Casey says further:

ESTIMATED SAVINGS IN CONSTRUCTING BUILDING AS A WHOLE.

Colonel CASEY. He asked me to give him some information on the probable saving to the Government to construct this building as a whole the first year, rather than by increments. I have asked the estimator to give me this data. Figuring on putting up this building all under one contract, it is estimated that the contractor's overhead and other things, considered as to the desirability of getting this large contract, we ought to save about from \$40,000 to \$50,000 on the contract price alone. In addition to that, there will be certain incidental savings by constructing this building at one time. The cost of tentage alone is a considerable item. The report of the officer of the Inspector General's Department for one year, from April, 1921, to April, 1922, was that \$209,000 was spent for tentage at this post.

Mr. ANTHONY. This tentage cost approximately \$50 per man per annum?

Colonel CASEY. Per man per year; yes, sir.

Mr. ANTHONY. How long does a tent last in that climate?

Colonel CASEY. About six months, when under permanent use. There are 3,100 men in tentage, or a little over that, but taking approximately 3,000 men, and, say, approximately \$80 a man per tent per year, that would make \$150,000 a year for tentage. That money is gone.

There are other incidental savings in the maintenance and in the costs of the utilities. We will save something on coal and light and deliveries and that sort of thing. That is all aside from the comfort and convenience. Suppose we take the 2,110 men for which this barrack is being provided and stretch this over four years; say, we take four increments to build it—and I have deducted from this the amount that we would build each year—the savings in tentage would be \$200,480. This and the estimated savings that we would get from the contractor of \$50,000 would make it about \$250,000, and I think a fair estimate of the savings on the utilities would be probably \$5 a man, or something like \$10,000; so a reasonable estimate of the savings would be \$260,000.

Mr. JOHNSON. There would be that much saving on an investment of what amount? What would be the total cost of the building?

Colonel CASEY. \$1,500,000, sir.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. ANTHONY. Mr. Chairman, I make the point of order on the ground that it carries new language and new legislation and ask authority to execute contracts.

The CHAIRMAN. The gentleman from Georgia, I suppose, will not contend that it is not legislation?

Mr. WRIGHT. No. But I contend that it will result in economy.

The CHAIRMAN. On its face that is not disclosed. The Chair will have to sustain the point of order.

Mr. HUDSPETH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HUDSPETH: Page 25, line 19, at the end of the line add the following: "Provided, That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$366,000 for the acquisition of 3,613 acres of land adjoining the Fort Bliss Military Reservation in Texas as an addition to said Fort Bliss Military Reservation for maneuvering and drill grounds and other military purposes."

Mr. ANTHONY. Mr. Chairman, I reserve a point of order on that amendment.

Mr. HUDSPETH. I would like to ask the gentleman from Kansas to make his point of order, because if my amendment is not germane to this section I would like to offer it to another section.

The CHAIRMAN. The Chair sustains the point of order.

Mr. HUDSPETH. I do not think it is subject to a point of order.

The CHAIRMAN. The Chair would be glad to be enlightened.

Mr. HUDSPETH. I will try to illuminate the Chair to a certain extent by stating a decision by a distinguished gentleman, Mr. Towner, on an amendment similar to this.

The section, Mr. Chairman, is for the enlargement of military posts. Now, this amendment provides for the purchase of additional land adjoining a military reservation—Fort Bliss, Tex.

I want to call the attention of the Chair to the fact that in the Sixty-sixth Congress an amendment was offered by the gentleman from Texas, Mr. Bee. I can give the Chair, if he desires, the volume in which he can find that amendment. It is volume 59, part 6, of the Record, page 5739.

Mr. Towner, of Iowa, was in the Chair. I remember distinctly that the gentleman from Texas, Mr. Bee, offered an

amendment for the purchase of land adjoining the Leon Springs Military Reservation. I think the gentleman from Illinois [Mr. MADDEN] made a point of order against the amendment, and after considering the question for one day the Chair held that, as it was for the purchase of land adjoining a reservation already established, it was in order, and so held.

That is what I am seeking to do. I am seeking by this amendment to provide for the purchase of additional land adjoining an established military post—Fort Bliss.

The CHAIRMAN. That is not all of the gentleman's amendment, however.

Mr. HUDSPETH. I submit it is clearly in order.

The CHAIRMAN. There is one other point the gentleman has not touched at all.

Mr. HUDSPETH. I will state to the Chair that the amendment offered by the gentleman from Texas, Mr. Bee, at the time Mr. Towner held it was in order was not to this exact section; it was offered to another section, but it did propose the purchase of additional land adjoining a military reservation.

Mr. ANTHONY. If the Chair will permit, I call attention to the fact that the amendment would not be germane to this paragraph, because the paragraph is "For the construction and enlargement at military posts of such buildings," and so forth. There is nothing in the paragraph in regard to the purchase of land.

Mr. HUDSPETH. I will state that this paragraph provides for the enlargement of military posts, and that is what I am seeking to do.

Mr. ANTHONY. But the language is "For the construction and enlargement at military posts of such buildings."

The CHAIRMAN. That is the point to which the Chair was going to direct the attention of the gentleman from Texas. It appears to the Chair that the gentleman's amendment embarks on an entirely different enterprise than that set out in the paragraph, and if that is all the illumination the gentleman from Texas can give the Chair, the Chair will be compelled to sustain the point of order.

Mr. HUDSPETH. Then I will offer the amendment at another place, and at that place I think it will be in order.

The CHAIRMAN. The Chair will cross that bridge when it is reached.

Mr. LAGUARDIA. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman a question. Fort Benning is an Artillery post, is it not?

Mr. ANTHONY. No; it is an Infantry post.

Mr. LAGUARDIA. Was it not originally an Artillery post?

Mr. ANTHONY. No; it has always been an Infantry post.

Mr. LAGUARDIA. Have they not sufficient barracks there at present?

Mr. JOHNSON of Kentucky. If I may be pardoned, they are living in tents.

Mr. ANTHONY. It was never contemplated at the start that Benning should be other than a camp, a field camp for Infantry maneuvers, but the tendency now is to convert it from a post of that character into a permanent post. For the most part, the buildings now there are of a temporary character.

The CHAIRMAN. The pro forma amendment is withdrawn and the Clerk will read.

The Clerk read as follows:

SHOOTING GALLERIES AND RANGES.

For shelter, grounds, observation towers, shooting galleries, ranges for small-arms target practice, machine-gun practice, field, mobile, and railway artillery practice, repairs and expenses incident thereto, including flour for paste for marking targets, hire of employees, such ranges and galleries to be open as far as practicable to the National Guard and organized rifle clubs under regulations to be prescribed by the Secretary of War, \$37,400.

Mr. HUDSPETH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HUDSPETH: Page 28, line 26, at the end of the line add the following: "Provided, That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$366,000 for the acquisition of 3,613 acres of land adjoining the Fort Bliss Military Reservation in Texas, as an addition to said Fort Bliss Military Reservation, for maneuvering and drill grounds, target practice, artillery practice, and other military purposes."

Mr. ANTHONY. Mr. Chairman, I reserve a point of order.

Mr. HUDSPETH. Mr. Chairman, I wish the gentleman would make it, because if it is subject to a point of order, of course, I do not want to take up the time of the committee in discussing it.

Mr. ANTHONY. Then I will make the point of order that it is not germane to the paragraph.

Mr. HUDSPETH. Now, Mr. Chairman, if the Chair will hear me, here is the volume of the Record and the page on which Mr. Bee, to this very paragraph, offered an amendment for the purchase of certain land, and I will read to the Chair the language of the amendment:

Amendment offered by Mr. Bee: Page 40, line 25, at the end of line 25, add the following: "Provided, That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$88,880 for the acquisition of land as an addition to the Leon Springs Military Reservation in Texas."

It was offered to the paragraph "For shelter, grounds, shooting galleries, ranges for small-arms target practice, machine-gun practice, field artillery practice, repairs, and expenses," and so forth, and Mr. Towner, who was then in the chair, in an opinion, well considered, in which he asked that the matter go over for one day in order that he could view the parliamentary situation and study it, held that the amendment was in order.

The CHAIRMAN. The reservation of which the gentleman speaks at El Paso is one that is authorized by law?

Mr. HUDSPETH. Yes, sir; an old established post, I will state to the Chairman.

The CHAIRMAN. The gentleman does not happen to have the fundamental law under which that post was established?

Mr. HUDSPETH. I have looked it up in times past, Mr. Chairman. It was established, I think, way back in 1859, before the Civil War. Certainly, it was established by authority of law.

The CHAIRMAN. Does the gentleman from Kansas wish to be heard?

Mr. ANTHONY. I call the attention of the Chair to the fact that there is no purchase of land contemplated by the language of the existing paragraph. The appropriation all goes for other purposes than to buy land. I do not think there is any authority in the language of the paragraph to purchase land.

Mr. HUDSPETH. I call the attention of the Chair to the fact that in the Sixty-eighth Congress when the bill was under consideration there was no provision in it at that time for the purchase of land, and yet this amendment by Mr. Bee was offered to this paragraph, the identical paragraph I am offering this amendment to, and Mr. Towner held that it was in order.

The CHAIRMAN. The gentleman claims this is an extension of a post already authorized.

Mr. HUDSPETH. Yes, sir; already authorized by law.

The CHAIRMAN. And that it is land necessary to the proper performance of the military function for which that post was established?

Mr. HUDSPETH. Yes, sir.

Mr. LONGWORTH. Mr. Chairman, is that under the theory that this would be a continuation of a public work?

The CHAIRMAN. As the Chair understands, that is the contention of the gentleman, that this is for an extension of a military reservation already authorized by law.

Mr. LONGWORTH. Oh, Mr. Chairman, I do not think it has ever been held that an addition of land to an existing military or any other sort of reservation is a continuation of a public work.

Mr. WINGO. That is just exactly what Mr. Towner held.

Mr. LONGWORTH. If that were true, it would then be in order to buy an unlimited amount of land anywhere, so long as it was contiguous to a military reservation. Surely that is not a continuation of a public work.

Mr. WINGO. I will say to the gentleman that that was the very ground upon which Mr. Towner overruled the point of order—that it was adjacent to the Leon Springs Reservation and was in order as a continuation of a public work. That was the ground on which Mr. Chairman Towner upheld the Leon Springs addition.

The CHAIRMAN. The gentleman from Arkansas correctly states what seems to the Chair, from such observation as the Chair has been able to give it, to have been the decision of Chairman Towner, but the Chair would like to look up some other decisions.

Mr. ANTHONY. Mr. Chairman, I still contend it is not germane to the paragraph because there is nothing in the paragraph that authorizes the purchase of land.

The CHAIRMAN. Of course, the gentleman can meet that by inserting a new paragraph.

Mr. ANTHONY. The purpose of the language of the paragraph is not to authorize an expenditure of money for the purchase of additional land.

Mr. WINGO. I will state to the Chair that the language of the paragraph at that time, to which the amendment providing for the Leon Springs addition was offered, is identical in everything, even punctuation, except the amount was \$50,000, whereas in the present bill the amount is \$37,400, and Mr. Chairman Towner says:

If the purchase proposes the addition of a separate and distinct tract of land not adjoining and appurtenant to the Leon Springs Reservation, the point of order should be sustained; if the addition is adjacent to the Leon Springs Reservation it is in order as a continuation of a public work. There is no method of enlarging any public work that is situated as it must be upon land except by amendment to existing law.

I think this is identically the same question, I will say to the Chair.

Mr. LONGWORTH. Will the gentleman yield?

Mr. WINGO. Certainly.

Mr. LONGWORTH. Would the gentleman hold that it would be in every case a continuation of an existing public work if any amount of land were bought so long as it was adjacent to that particular military reservation?

Mr. WINGO. I do not quite catch the gentleman's question.

Mr. LONGWORTH. I understood the gentleman to say that under the decision of Judge Towner the mere fact that the land was contiguous to a military reservation made it necessarily a continuation of a public work.

Mr. WINGO. Yes; because the words "continuation of a public work" does not mean necessarily a constructive work. The gentleman may recall that at one time I, as Chairman of the Committee of the Whole, had that question before me and rendered an opinion. This paragraph provides for shelter, ground, observation towers, shooting galleries, and so forth. Of course, the Chair will take judicial notice of the purpose for which the grounds are used, and that it is for the same purpose mentioned in the paragraph, and it does provide for shelter, grounds for shelter, and grounds for ranges, shooting galleries, and so forth. The proposition of the gentleman from Texas is to add to the reservation that is used for this purpose lands that are adjacent to it. In other words, that would be a continuation by enlargement of the plant that is already in existence under authority of law.

Mr. LONGWORTH. Does the gentleman contend that in any case a purchase of land, no matter how large or how unnecessary, provided only it is contiguous to a military reservation, would make it in order?

Mr. WINGO. I did not say that. I would not say that in any case, because it might be a case where the purchase of the land had absolutely nothing to do with the paragraph, and the question of germaneness would come in.

Mr. LONGWORTH. The gentleman did not quite understand me. Is the test of whether the amendment is in order that it provides for land contiguous to an existing military reservation?

Mr. WINGO. I think the question of adding adjacent lands to an existing Army post or plant of the Government is similar to the repairing of a building that belongs to the Government.

Mr. LONGWORTH. I want to call the Chair's attention to the fact that if all amendments were construed in the way suggested by the gentleman from Arkansas it would be in order to add at any time an indefinite amount of land to any Government post or reservation as long as it was contiguous to that particular piece of land, and the Chair, according to the gentleman, would take judicial notice of the fact that it was contiguous.

Mr. WINGO. No; the amendment provides that it is adjacent. The same distinction applies as it would if it was a separate new post-office building, which would be a different proposition, but it would be in order to provide for the repair of a building that was in course of construction.

Mr. LONGWORTH. Suppose we had a military reservation which was practically not used at all, or very little used, containing 1 square mile, would it be the contention of the gentleman that it would be in order to offer an amendment to acquire ground adjacent extending 100 square miles so long as it was adjacent?

Mr. WINGO. The gentleman means whether or not on the merits of the proposition it is wise or unwise enters into the point of order. I contend that it does not.

This amendment may be unwise, I do not know; but as long as it provides for making additions to an existing plan, it is a public work already in existence, and the words "public work" do not necessarily mean constructive work. The gentleman, I presume, is familiar with that distinction.

Mr. LONGWORTH. Decidedly.

Mr. WINGO. It does not have to be construction going on, but if it is repair or an addition to an existing plant it is a separate and distinct thing from the proposal to erect a separate and distinct building. As long as it is in the enlargement of an existing plan, whether that plant be a military reservation or a public building or a string of revetments on a river—and the question has come up on river work—then it is the continuation of a public work already in existence.

Mr. LONGWORTH. Mr. Chairman, I must say that I am not familiar with any decision, unless it is the particular decision noted, that holds that the purchase of land is necessarily a continuation of a public work, provided the land is adjacent to that particular public work. It seems to me that is extending the rule beyond all reason.

Mr. JOHNSON of Kentucky. Mr. Chairman, I wish to say that it has been held over and over again that where property is adjacent to other property—for instance, as a school property—and is in operation, the point of order does not lie. Points of order have been overruled many times where they seek to acquire property adjoining that already owned and operated. The property sought to be acquired here adjoins property that the Government already owns and is operating, and the precedents, while wrong in my judgment, thoroughly establish this right.

Mr. ANTHONY. Mr. Chairman, if the gentlemen are finished with their arguments on this, I move that the committee do now rise, and we may have a decision of the Chair in the morning.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee has had under consideration the bill H. R. 7877, the War Department appropriation bill, and had come to no resolution thereon.

INDEPENDENT OFFICES APPROPRIATION BILL.

Mr. MADDEN, by direction of the Committee on Appropriations, reported the bill H. R. 8233 (Rept. No. 380), making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1925, and for other purposes, which was read a first and second time and, together with the accompanying report, referred to the Committee of the Whole House on the state of the Union and ordered printed.

Mr. BLANTON. Mr. Speaker, I reserve all points of order on the bill.

Mr. HOWARD of Nebraska. Mr. Speaker, I rise to suggest that there is no quorum present.

The SPEAKER. Will the gentleman withhold that for a moment until the Chair presents a request for unanimous consent?

Mr. HOWARD of Nebraska. I shall do anything that the Chair wishes.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. DENISON, for three weeks, on account of important business.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 225. An act to extend the benefits of the United States employees' compensation act of September 7, 1916, to Edward N. McCarty; to the Committee on Claims.

HOOR OF MEETING TO-MORROW.

The SPEAKER. The gentleman from Nebraska makes the point of order that there is no quorum present.

Mr. LONGWORTH. Mr. Speaker, will the gentleman withhold that for a moment until I present a request for unanimous consent that when the House adjourns to-day it adjourn to meet to-morrow morning at 11 o'clock, in order to facilitate the passage of this bill?

Mr. HOWARD of Nebraska. I shall, although I do not like to. Mr. LONGWORTH. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow.

The SPEAKER. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, if we meet at 11 o'clock to-morrow I hope the gentleman from Kansas will be liberal with us in our discussion of certain points of order that we desire to make.

Mr. ANTHONY. I always try to be liberal in that respect.

Mr. HUDDLESTON. Mr. Speaker, has the gentleman consulted the minority leader in that respect?

Mr. LONGWORTH. I have not; but I am very certain that it will be agreeable to him, because I have consulted various members of the Committee on Appropriations.

Mr. HUDDLESTON. Is it expected that we shall proceed with this bill?

Mr. LONGWORTH. Oh, yes; with this bill. There is nothing before the House this week except this bill and the appropriation bill to follow.

The SPEAKER. Is there objection?

There was no objection.

EXTENSION OF REMARKS.

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD which I made to-day.

The SPEAKER. Is there objection?

Mr. JOHNSON of Kentucky. I object.

Mr. THOMAS of Oklahoma. Mr. Speaker, I ask unanimous consent to print in the RECORD as a part of my remarks a letter from the governor of the Federal Reserve Board giving some figures about the expenses of the several Federal reserve banks.

The SPEAKER. Is there objection?

Mr. JOHNSON of Kentucky. Mr. Speaker, I am constrained to object.

RELIEF FOR DISTRESSED AND STARVING WOMEN AND CHILDREN OF GERMANY.

Mr. THATCHER. Mr. Speaker, I have favored the joint resolution authorizing the appropriation of a sum, not exceeding \$10,000,000, "or so much thereof as may be necessary," to be expended under the direction of the President "for the relief of the distressed and starving women and children of Germany." I shall state a few of the reasons why I am for the proposed relief.

First. From the best information obtainable it is clearly shown that dire distress and conditions of slow starvation among a very large number of the women and children of Germany actually exist. The testimony of conservative and well-informed witnesses is to this effect. I refer especially to the statements made by Mr. Hoover, Secretary of Commerce, and by my distinguished fellow Kentuckian, Gen. Henry T. Allen, recently in command of the American Army in the occupied German area. Surely no one can doubt the capacity of these splendid Americans to judge of the actual conditions and needs of the women and children of Germany.

Mr. Hoover's great work in administering American relief to starving Belgians and others of the war-stricken areas of Europe, eminently qualifies him as a witness; and because of the fact that General Allen is fresh from the German soil and has the advantage of several years of first-hand, intimate knowledge of the conditions in Germany, he, also, is a witness of the highest, most credible character. Both Secretary Hoover and General Allen have indicated their approval of the proposed relief.

From the testimony of Secretary Hoover given before the House Committee on Foreign Affairs when this measure of relief was being considered, the following quotations are made:

* * * There is large unemployment both in the Ruhr and in the urban areas and the cities in unoccupied Germany. The wild fluctuations in the cost of living and wages and the gradual increase of unemployment arising in the Ruhr from the passive resistance to the occupation and the shortening of raw materials to the rest of Germany have, of course, projected an enormous amount of unemployment and destitution in the working classes. That destitution has its worst results in shortening the purchasing power for those elements in the food supply that peculiarly affect children. One of the first effects of destitution is to reduce the ability to buy the more expensive foods, and thus the consumption of fats and milk of children. This reduction in foodstuffs of that character shows very plainly in German children of the poor in the manufacturing and urban areas and has become undoubtedly very acute. I think you have heard evidence of the men sent over to examine the situation on behalf of various charitable organizations that are at work upon it. But I would like to get clear that there are two quite essentially different questions. The first, the major question of imports, should solve itself in a normal fashion without calling on the American people for this large solution. That is the major problem. The secondary one is purely a question of human charity to individuals impoverished by circumstances beyond their own individual control or beyond the control of their local charities or government.

Mr. CONNALLY. Would solving the first problem solve the second?

Secretary HOOVER. Solving the first one would really in the long run solve it. In other words, if the reparations negotiations succeed, they must provide for the economic recuperation of Germany, the restoration of employment, and thereby automatically relief of destitution among unemployed. So in the long run it would settle the entire problem.

Given constructive settlement, the German Government should be able to borrow abroad; and I assume the first obligation of a government is to apply its resources to nourishment for its people, whether due to poverty or otherwise.

Mr. LINTHICUM. Would it be asking too much for you to say how you feel in reference to this bill?

Secretary HOOVER. I can only feel one way about children. I have engaged a very large part of my time and energies for 10 years in remedy of famine and poverty among European children, as well as in major questions of food supply to some 23 different nations in Europe. I have felt that in the larger view the real hope of recovery in the world and rehabilitation of Europe lies in sustaining the children; that it is of primary importance that we should contribute where solution can not be found otherwise to maintain the health and welfare of their children. With a record of having engaged in the relief of somewhere upward of 20,000,000 children in these 23 different countries in Europe, I could not oppose but must support provision against the undernourishment of children anywhere. I can argue very heartily on the failures of adults and the misdoings and misdeeds of the governments that bring these situations about, but I can not apply those arguments against children. Our one hope is that the next generation will be better than this one, and there is no hope if they are to be stunted and degenerate from undernourishment. I recognize the many arguments that may be brought against charitable action either by private agencies or by our Government, but I refuse to apply these arguments to children.

I also quote the following from the testimony of General Allen, given before the same committee:

* * * My attitude toward kaiserism and the ruthlessness of those whose idea was militarism and military conquest is well known, as were my efforts to defeat such.

But, as a peace treaty has been made with Germany, there should be no desire to continue hostility toward the German people, especially the children and newly created constitutional government in that country. They are a virile people who have contributed greatly to the progress of civilization, and the world, it seems to me, needs them with their strength restored. Moreover, owing to the instability of international friendships, this gesture of humanity, such as the people of the United States are now showing, should prove a valuable asset for our Government in its future international relations. Through the opportunities which I have had and from incontrovertible direct information I am informed as to conditions now prevailing in Germany, and these conditions are of a most distressing character. Immediate relief of actual starvation is the problem to which the American Committee for Relief of German Children is devoting its energies.

It is important to realize that the present distress is not of the usual kind. It is the climax of years of development and consequently presents a much larger and more serious problem than would a temporary situation. The approach of the present crisis was indicated four years ago, when we were feeding under far less impelling conditions 11,000 undernourished children in our bridgehead and when the French were feeding German children at their soldier kitchens. Even now General De Goutte is feeding the German hungry at 122 soldier kitchens.

* * * As has been aptly said, it is always the children who are ground in the mills of international disputes. * * * We are, however, chiefly concerned about the German children. Reports pointed to so distressing a condition among them that an American committee, of which I am chairman, was formed to provide relief. That committee is cooperating with the American Friends (Quakers) Service Committee, which is charged with the purchase and distribution of all food.

* * * Among children of school age, the crisis is such that there is lack of breakfast and often of lunch for these children. There is also lack of shoes and stockings, underclothes, and winter coats, and undersized, pallid, listless, thin children seem but the natural result.

Also among these children there is a prevalence of tuberculosis not known to school physicians heretofore. Up to 20 per cent of children applying at 6 years for admission to schools have to be sent home as unfit to attend. School hours are from 8 to 1 o'clock with no afternoon session. Classes are commonly of 45 to 60 children instead of 35 to 40 as formerly. The temperature of classrooms can rarely be kept up to 60° F.

Meat once a week, no milk, bread with margarine or vegetable fat, potatoes, and turnips, meal soup, constitute the most liberal diet of an average school child.

From 1 to 2½ per cent of school children in some districts are found to have open pulmonary tuberculosis. Crippling rickets, bone and joint and gland tuberculosis are common, and there is much skin infection among school children. Scurvy is less common but increasing. A form of ulceration of the eye easily leading to blindness unless quickly recognized, but speedily curable with fresh milk and suitable diet, is noticeable.

The weakness of children from hunger is a common cause of fainting, dizziness, headache, and inability to study and inability to pay attention simply because of hunger. The record of collapse cases in the schoolrooms was never before known to be so great as now.

The extent of undernourishment in the schoolroom is best expressed by the fact that practically everywhere there is a discrepancy of almost two years between the age, the height, and the weight of the children in contrast with the normal child. Photographs have shown that, and I noticed it myself before leaving Germany.

* * * During our first days on the Rhine, none of us drank cow's milk. We thought it was advisable to reserve it for the children. That was as long ago as 1919.

* * * Unemployment is intensifying the distress. The latest figures of the German ministry on labor indicate that in December there were about 3,500,000 totally unemployed persons and an equal number on part time. Several municipalities have reported that the number of destitutes is more than one-half of the population.

* * * The highest peak need will come at the end of March and early in April. Between that period and the next harvest it is predicted that over 20,000,000 people will be utterly dependent on outside charity. The most essential foodstuffs, and those which Germany herself is unable to provide, are fats, cereals, milk, and cod-liver oil, all of which are now reported almost unobtainable for children. What Germany is doing: Information obtained from various authoritative sources indicates that the German relief work is being conducted by the Federal Government, municipality governments, by banks, manufacturers, commercial organizations, by organized charity, and by private individuals. The German Government levied a special property tax, to all intents a simple capital levy, which is now being collected. The greater part has been set aside to cheapen the cost of bread and milk to the destitute, and 5,000,000 gold marks, or \$1,250,000, are being used exclusively for the feeding of children. This sum is sufficient to feed 500,000 children for five months on the diminished ration. Its administration is by American Quakers, along with the food sent from the United States. The German Government supplied 47 per cent of the \$12,000,000 worth of food distributed in Germany by the Quakers between the spring of 1919 and July, 1922.

* * * The Government is also caring for 1,722,000 war widows and orphans and 320,000 families of the middle and professional classes who have been reduced to poverty and 1,400,000 aged and invalid persons. Municipalities are cooperating with the Government in caring for unemployed and partial dependents and are supplying food to 100,000 or more undernourished children. Practically all German cities, in cooperation with private organizations, maintain soup kitchens for daily feeding of destitute people. They also pay for sending children to the country and contribute funds to hospitals and similar institutions. Native relief agencies are reported to be so severely handicapped by lack of funds and reduced purchasing power of money that they are able to meet only a small fraction of the need. Many hospitals and similar institutions have been forced to close their doors and others to curtail their operations because of lack of medical supplies.

As an example of assistance given by business concerns a recent cablegram received by our committee states that banks in Berlin contributed 700,000 gold marks and in Bremen 200,000 gold marks to relief work during the week of January 12. During the past summer between 300,000 and 400,000 city children were cared for in the homes of German farmers for an average of five months. Monthly shipments of 4,300 tons of foodstuffs, or enough to feed 1,250,000 people, were sent to large cities by farmers.

The situation, with respect to native relief in Germany, is that while large quantities of home commodities can be furnished, those elements vitally essential to restore undernourished German children, such as milk, fats, cereals, and cod-liver oil, are not obtainable in that country. What other countries are doing: Other countries, some of them Germany's most relentless enemies during the war, are going to the relief of the starving German children. The English people are working whole-heartedly to relieve suffering in Germany to-day. A manifesto has just been issued in England, signed by the present Prime Minister, J. Ramsay MacDonald; Mr. Asquith, Prime Minister when the war broke out and now leader of the liberal party; General Smuts, Premier of South Africa, and many other leading English citizens of all political faiths. This manifesto describes the hunger crisis among German children and urges the people of Great Britain to come to the rescue. The English Quakers have already done much in a substantial way toward relief.

Many thousands of German children have been taken to Holland and cared for in Dutch homes. The amount of this charity contributed by Holland since the armistice is estimated at \$12,000,000. Switzerland and the Scandinavian countries and even impoverished Austria have recognized the distressing situation of the German children and are extending liberal aid. This is given by taking children out of Germany to rebuild their health, as well as by sending money and material relief into Germany. The American Quakers are absolutely convinced that the situation is one which calls for foreign assistance, because supplies which Germany produced in pre-war days were then only 85 per cent of her minimum food requirements.

Mr. FISH. General, do you know whether the Austrians are taking German children to their own country now?

General ALLEN. Yes; we have a report to that effect. It seems inconceivable that such conditions as exist among German children will be allowed to persist when resources for relief are abundant in the countries which are at peace with Germany. The English people, who are working for this cause, declare in their manifesto that though these starving children were our enemies, we are bidden to feed them. Now that they are our stricken neighbors, the obligation is the greater. It has been shown by investigations of our committee that 2,000,000 German children are slowly starving and that an appalling increase in disease and death will result unless outside aid is provided. The American Committee for Relief of German Children has been making strenuous efforts to raise funds throughout the United States for this humanitarian work. Many prominent people in New York, Chicago, and other large cities are devoting largely of their time and money to the cause of the starving German children and the movement is national in scope.

* * * I feel that the movement is one in which all civilization is directly and deeply concerned. It is nonpolitical and non-racial. It is not a question of Slav or Latin, Teuton, or Arab. It is a question of humanity, of civilization, of peace, and for them we make our appeal. Again, I revert to the more sordid phase of the situation, to the value that a donation by our Government to these stricken children of our conquered foe, would have as an asset of friendship in coming years. To me, gentlemen, that is one of the greatest considerations, one of the most impelling, and I can not but feel that importance must be attached to it, even though that thought is without the realm of humanity and civilization.

The testimony of other citizens of undoubted Americanism who testified before the House Committee on Foreign Affairs is to the same effect. I take it, therefore, that there can be no reasonable question raised as to the real distress and conditions of slow starvation now existent among millions of German children. In lesser degree the same situation is shown to exist as to a very large proportion of the female population of Germany.

It must be borne in mind, also, that General Allen and other prominent Americans are engaged in raising funds from individual sources in the United States for the purpose of giving relief to the women and children of Germany. The \$10,000,000 proposed by the resolution under discussion will be, as must be manifest, in no wise adequate to relieve the situation, but it will prove a very substantial contribution to the relief. General Allen heads the committee so engaged.

Whatever the responsibility of the German Imperial Government or the German people themselves for these conditions may be, the fact remains that these conditions do now prevail. The question involved, therefore, seems to be one of humanity and not one of international hatred or vengeful memories. I believe that the same spirit that prompted Congress to vote \$20,000,000 for relief of the Russian people should prevail in the present instance.

Second. The joint resolution providing for the suggested relief clothes the President of the United States with power, under such agencies as he may designate—

to purchase in the United States and transport and distribute grain, fats, milk, and other foodstuffs for and adapted to the relief of the distressed and starving women and children of Germany—

and also authorizes the appropriation of such sum as may be necessary for the purpose, not to exceed \$10,000,000, to be expended under the direction of the President, with the proviso annexed that an itemized and detailed report of the expenditures and activities made and conducted through the agencies selected by the President under the joint resolution shall be submitted to Congress. Therefore the entire work proposed by the joint resolution is under the absolute control and authority of the President of the United States, and is in no sense controlled by the German Government. Manifestly the President will so direct and supervise the proposed activities as to serve the real purpose of the resolution, namely, the relief of the women and children of Germany who are in distress. As already indicated, the resolution provides in detail the kinds of food and foodstuffs and materials most needed to meet the situation. Hence there is every assurance that the money thus provided will be expended legitimately and for the purpose of relieving the graver conditions of distress involved.

Third. Much argument has been adduced in the discussion of this relief measure to show that it is unconstitutional. It appears that the constitutionality of such action by Congress has never been determined in the United States Supreme Court; but it is true that throughout all the years of our Nation's history Congress from time to time has assumed the right to enact such relief legislation, sometimes for our own people who have been stricken by flood, famine, or some other form of disaster, and sometimes for the people of foreign lands.

Thus, Congress, in the past, beginning with 1912, has voted relief funds for Venezuela, Ireland, India, Cuba, China, Martiniague, and, more recently, for Russia; and the action was not questioned. Congress certainly has some discretion under the "general welfare" clause of the Constitution to deal with such subjects; and it is fair to presume that should the case ever come to a test in our courts, they would uphold the action of Congress. I fully agree with the contention that only an extraordinary case of suffering and need can justify the voting of funds from the United States Treasury for foreign relief; but, in my judgment, the evidence before us clearly presents such a case. It can not be said, in any fairness, that the adoption of this resolution in any way condones or approves Germany's course in the great conflict; in adopting it we are doing no more than civilized nations, in one form or another, have done throughout the centuries. I do not believe that our great Nation, standing at the very apex of civilization and progress, can afford to do less.

Fourth. In recent years, and as a result of the World War, there has been maintained the most earnest advocacy for our entry into a league of nations, or a world court, or some other association or tribunal having for its purpose the promotion of international good will and peace. Conceding that there exists to-day in Germany grave and widespread suffering and distress among her women and children on account of the upheavals and tragic changes growing out of the war and its aftermath, I believe that a bona fide and most pressing claim for international charity here exists, and that our country, by extending the relief provided for in this joint resolution, will accomplish a great work in promoting such international good will. Its action in so doing would not only materially contribute to the relief of the stricken women and children of Germany, but would also serve to further emphasize the fact that our Nation, while ever willing to fight for the ideals of civilization, is always a generous foe, and knows when to assist as well as when to strike.

The amount proposed for relief in the joint resolution, compared with what was done for Russia, and with what has been done for other countries, under similar circumstances, and considered in the light of the conditions which obtain in Germany is, in my judgment, a reasonable contribution for the indicated relief. The enactment of the joint resolution into law will, I believe, fully uphold and confirm in the thought and conscience of the world at large the idea that the American people, though resistless foes in times of war, are dominated by the highest ideals of civilization and humanity in times of peace. I believe the passage of the resolution, and the expenditure of the money carried by it, will constitute an international application of the principle of the Parable of the Good Samaritan.

These are some of the reasons, Mr. Speaker, why I have favored the resolution.

ADJOURNMENT.

Mr. HOWARD of Nebraska. Mr. Speaker, I renew my point of order that there is no quorum present.

Mr. ANTHONY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 34 minutes p. m.), in accordance with the order heretofore made, the House adjourned until to-morrow, Thursday, March 27, 1924, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

417. Under clause 2 of Rule XXIV, a letter from the Secretary of War, transmitting report of the case of Dewitt & Shobe, Glasgow, Mo., under section 10 of act of March 2, 1919 (40 Stat. 1920), as to river and harbor contracts that became inequitable and unjust, was taken from the Speaker's table and referred to the Committee on Rivers and Harbors.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. NELSON of Wisconsin: Committee on Elections No. 2. A report on the contested election case of Don H. Clark v. R. Lee Moore (Rept. No. 367). Referred to the House Calendar.

Mr. PARKS of Arkansas: Committee on Interstate and Foreign Commerce. S. 2656. A bill granting the consent of Congress to the construction of a bridge across the Mississippi River near and above the city of New Orleans, La.; without amendment (Rept. No. 368). Referred to the House Calendar.

Mr. WINSLOW: Committee on Interstate and Foreign Commerce. H. R. 6425. A bill to prohibit the importation and the interstate shipment of certain articles contaminated with anthrax; without amendment (Rept. No. 369). Referred to the House Calendar.

Mr. GRAHAM of Illinois: Committee on Interstate and Foreign Commerce. H. R. 2665. A bill to authorize the city of Chicago to construct a temporary pontoon bridge across the Calumet River in the vicinity of One hundred and thirty-fourth Street, in the county of Cook, State of Illinois; with amendments (Rept. No. 370). Referred to the House Calendar.

Mr. GRAHAM of Illinois: Committee on Interstate and Foreign Commerce. H. R. 7063. A bill granting the consent of Congress to the State of Illinois and the State of Iowa, or either of them, to construct a bridge across the Mississippi River, connecting the county of Carroll, Ill., and the county of Jackson, Iowa; with an amendment (Rept. No. 371). Referred to the House Calendar.

Mr. GRAHAM of Illinois: Committee on Interstate and Foreign Commerce. H. R. 7104. A bill to authorize the construction of a bridge across the Fox River in St. Charles Township, Kane County, Ill.; with amendments (Rept. No. 372). Referred to the House Calendar.

Mr. ZIHLMAN: Committee on the District of Columbia. S. 114. A bill to vacate certain streets and alleys within the area known as the Walter Reed General Hospital, District of Columbia, and to authorize the extension and widening of Fourteenth Street from Montague Street to its southern terminus south of Dahilia Street, Nicholson Street from Thirteenth Street to Sixteenth Street, Colorado Avenue from Montague Street to Thirteenth Street, Concord Avenue from Sixteenth Street to its western terminus west of Eighth Street west, Thirteenth Street from Nicholson Street to Piney Branch Road, and Piney Branch Road from Thirteenth Street to Butternut Street, and for other purposes; without amendment (Rept. No. 373). Referred to the Committee of the Whole House on the state of the Union.

Mr. BURTNESS: Committee on Interstate and Foreign Commerce. S. 2332. A bill granting the consent of Congress to the State of South Dakota for the construction of a bridge across the Missouri River between Hughes County and Stanley County, S. Dak.; without amendment (Rept. No. 374). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 8209. A bill to create the inland waterways corporation for the purpose of carrying out the mandate and purpose of Congress as expressed in sections 201 and 500 of the transportation act, and for other purposes; without amendment (Rept. No. 375). Referred to the Committee of the Whole House on the state of the Union.

Mr. MADDEN: Committee on Appropriations. H. R. 8233. A bill making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1925, and for other purposes; without amendment (Rept. No. 380). Referred to the Committee of the Whole House on the state of the Union.

Mr. YATES: Committee on the Judiciary. H. R. 714. A bill to amend section 101 of the Judicial Code; without amendment (Rept. No. 377). Referred to the House Calendar.

Mr. HUDDLESTON: Committee on Interstate and Foreign Commerce. H. R. 8180. A bill to revive and reenact the act entitled "An act authorizing the counties of Alken, S. C., and Richmond, Ga., to construct a bridge across the Savannah River at or near Augusta, Ga.," approved August 7, 1919; without amendment (Rept. No. 378). Referred to the House Calendar.

Mr. GRAHAM of Pennsylvania: Committee on the Judiciary. H. R. 7399. A bill to amend section 4 of the act entitled "An act to incorporate the National Society of the Sons of the American Revolution," approved June 9, 1906; without amendment (Rept. No. 379). Referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 8 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 6207) authorizing and directing the Secretary of War to transfer to the jurisdiction of the Department of Justice all that portion of the Fort Leavenworth Military Reservation which lies in the State of Missouri, and for other purposes; Committee on Military Affairs reported for reference (Rept. No. 376), and said bill was referred to the Committee on the Judiciary.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. WATKINS: A bill (H. R. 8227) to amend the act of August 9, 1921, establishing the United States Veterans' Bureau, and to establish offices of the bureau in the District of Columbia and each State of the Union to handle such business as is committed to the bureau; to the Committee on World War Veterans' Legislation.

By Mr. CRAMTON: A bill (H. R. 8228) to authorize the deferring of payments of reclamation charges; to the Committee on Irrigation and Reclamation.

By Mr. KELLER: A bill (H. R. 8229) granting the consent of Congress to the city of St. Paul, Minn., to construct a bridge across the Mississippi River; to the Committee on Interstate and Foreign Commerce.

By Mr. COOPER of Wisconsin: A bill (H. R. 8230) to provide for the purchase of a site and the erection of a public building thereon in the city of Kenosha, State of Wisconsin; to the Committee on Public Buildings and Grounds.

By Mr. ASWELL: A bill (H. R. 8231) to amend an act entitled "An act authorizing the Secretary of Agriculture to issue certain reports relating to cotton," and for other purposes; to the Committee on Agriculture.

By Mr. CRISP: A bill (H. R. 8232) to prohibit the collection of a surcharge for the transportation of persons or baggage in connection with the payment for parlor or sleeping car accommodations; to the Committee on Interstate and Foreign Commerce.

By Mr. MADDEN: A bill (H. R. 8233) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1925, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. GARNER of Texas: Joint resolution (H. J. Res. 228) amending public resolution No. 70, approved March 2, 1913, as amended July 26, 1919, authorizing the Secretary of War to loan tents for use at encampments held by certain organizations; to the Committee on Military Affairs.

Also, joint resolution (H. J. Res. 229) authorizing the Secretary of War to loan certain tents, cots, chairs, etc., to the president of the Alamo Council of the Boy Scouts of America for use at the annual camp of such organization; to the Committee on Military Affairs.

By Mr. BYRNES of South Carolina: Joint resolution (H. J. Res. 230) directing a census to be taken of bales of cotton now held at various places; to the Committee on the Census.

By Mr. GRAHAM of Pennsylvania: Resolution (H. Res. 235) for the consideration of House Joint Resolution 184, proposing an amendment to the Constitution of the United States; to the Committee on Rules.

By Mr. TINKHAM: Memorial of the Legislature of the State of Massachusetts, urging Congress to appropriate funds to carry out certain recommendations of the Chief of Staff of the United States Army made in furtherance of the national defense act of 1920; to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURTNES: A bill (H. R. 8234) for the relief of Fayette L. Froemke; to the Committee on Naval Affairs.

By Mr. EDMONDS: A bill (H. R. 8235) for the relief of Aktieselskabet Marie di Giorgio, a Norwegian corporation of Christiania, Norway; to the Committee on Claims.

Also, a bill (H. R. 8236) for the relief of the Government of Canada; to the Committee on Claims.

Also, a bill (H. R. 8237) for the relief of Bruusgaard Klostervuds Dampskibs Aktieselskab, a Norwegian corporation, of Drammen, Norway; to the Committee on Claims.

By Mr. EVANS of Montana: A bill (H. R. 8238) for the relief of Minor Berry; to the Committee on Military Affairs.

By Mr. FISH: A bill (H. R. 8239) granting an increase of pension to Emma L. Jessor; to the Committee on Invalid Pensions.

By Mr. GERAN: A bill (H. R. 8240) granting a pension to John Mundy; to the Committee on Pensions.

By Mr. HAUGEN: A bill (H. R. 8241) for the relief of Mary A. Nicklaus; to the Committee on World War Veterans' Legislation.

By Mr. HILL of Maryland: A bill (H. R. 8242) for the relief of Samuel T. Griffith, formerly a first lieutenant, United States Army; to the Committee on Military Affairs.

By Mr. MCKENZIE: A bill (H. R. 8243) granting a pension to Christofa Preston; to the Committee on Invalid Pensions.

By Mr. MAJOR of Missouri: A bill (H. R. 8244) granting a pension to Mollie F. Shockley; to the Committee on Pensions.

By Mr. MERRITT: A bill (H. R. 8245) granting an increase of pension to Josephine M. Downes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8246) granting an increase of pension to Catherine Lorient; to the Committee on Invalid Pensions.

By Mr. MILLS: A bill (H. R. 8247) for the relief of the estate of Carl Anderson; to the Committee on Claims.

By Mr. OLIVER of New York: A bill (H. R. 8248) for the relief of S. Silberstein & Son (Inc.); to the Committee on Claims.

Also, a bill (H. R. 8249) for the relief of S. Silberstein & Son (Inc.); to the Committee on Claims.

By Mr. PRALL: A bill (H. R. 8250) for the relief of Regine Porger Zimmerman; to the Committee on Claims.

By Mr. RAINEY: A bill (H. R. 8251), granting a pension to Newton Ernest McElvain; to the Committee on Pensions.

By Mr. ROBSION of Kentucky: A bill (H. R. 8252) to correct the military record of James Brummett; to the Committee on Military Affairs.

Also, a bill (H. R. 8253) granting a pension to Leander Cook; to the Committee on Pensions.

Also, a bill (H. R. 8254) granting a pension to Litha I. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8255) granting an increase of pension to Mary E. Steeley; to the Committee on Invalid Pensions.

By Mr. SHREVE: A bill (H. R. 8256) granting a pension to George Robinson; to the Committee on Invalid Pensions.

By Mr. SNELL: A bill (H. R. 8257) granting an increase of pension to Grace F. Briggs; to the Committee on Invalid Pensions.

By Mr. TILSON: A bill (H. R. 8258) for the relief of Capt. Frank Geere; to the Committee on War Claims.

By Mr. WAINWRIGHT: A bill (H. R. 8259) to authorize the President to reconsider the case of Frederic K. Long and to reappoint him a captain in the Regular Army; to the Committee on Military Affairs.

By Mr. WATKINS: A bill (H. R. 8260) granting a pension to Carrie F. Pierce; to the Committee on Invalid Pensions.

By Mr. WEFALD: A bill (H. R. 8261) granting a pension to Eliza Prody; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2034. By the SPEAKER (by request): Petition of citizens of Boston, Mass., protesting against the imprisonment of Eamon de Valera; to the Committee on Foreign Affairs.

2035. By Mr. BARBOUR: Petition of Fresno Lodge, No. 723, I. O. B. B., of Fresno, Calif., protesting against the passage of the Johnson immigration bill; to the Committee on Immigration and Naturalization.

2036. By Mr. CAREW: Petition of the Kossuth Ferencz Hungarian, Sick and Benevolent Association, and other societies of New York City, N. Y., opposing the Johnson immigration bill; to the Committee on Immigration and Naturalization.

2037. By Mr. CRAMTON: Petition of Athena, the Woman's Club of Algonac, Mich., urging favorable action on the child labor amendment; to the Committee on the Judiciary.

2038. By Mr. LEAVITT: Petition of the Masonic Lodge at Stanford, Mont., Palestine Lodge, No. 88, urging the passage of the Johnson immigration bill without amendment by June 1, 1924; to the Committee on Immigration and Naturalization.

2039. By Mr. MacGREGOR: Petition of 20 Italian organizations in the city of Buffalo, N. Y., protesting against the passage of the Johnson immigration bill; to the Committee on Immigration and Naturalization.

2040. By Mr. RAINEY: Petition of Peoria and Tazewell County (Ill.) Wild Life Association, opposing discharge of Chicago sewage into Illinois River; to the Committee on Rivers and Harbors.

2041. By Mr. TINKHAM: Petition of members of Boston City Club favoring release of Eamon de Valera; to the Committee on Foreign Affairs.

2042. By Mr. VARE: Petition of Philadelphia Board of Trade, urging approval of increased appropriation to the Customs Service, included in the Treasury-Post Office appropriation bill; to the Committee on Appropriations.